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SECRETARY OF THE AIR FORCE**

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Safety

**PARTICIPATION IN MILITARY OR
CIVIL AIRCRAFT OR SPACE SAFETY
INVESTIGATIONS**

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This pamphlet provides a description of processes for implementing Title 49, United States Code (U.S.C.), Section 1132, *Civil Aircraft Investigations*, Department of Defense Instruction 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*, and National Aeronautics and Space Administration (NASA) Procedural Requirements 8621.1B, *NASA Procedural Requirements for Mishap and Close Call Reporting, Investigating, and Recordkeeping*. It supports military participation in certain civil mishap investigations, participation of National Transportation Safety Board (NTSB), Federal Aviation Administration (FAA), or NASA in certain military aircraft or space mishap investigations, and the release of certain military aircraft or space mishap safety investigation information to the NTSB, FAA, and NASA. This pamphlet does not describe other investigations into an aircraft or space mishaps conducted by military commands or other authorities independently of the military safety investigation, such as administrative investigations, criminal investigations, and investigations by the Inspector General. The reporting requirements in this pamphlet are exempt from licensing in accordance with AFI 33-324, *The Air Force Information Collections and Reports Management Program*. Ensure that all records created as a result of processes prescribed in this publication are maintained IAW Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System Records Disposition Schedule, or other service specific requirements. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. Changes to this publication should be sent to HQ Air Force Safety (AFSEC)/Aviation Safety Division (SEF), 9700 G Avenue SE, Kirtland AFB NM 87117-5670. This publication may not be supplemented or further implemented/extended.

Chapter 1

POLICIES, PROCEDURES AND ADMINISTRATION

1.1. Purpose.

1.1.1. The purpose of this publication is to clarify NTSB, NASA and FAA responsibility or interest in certain mishaps involving military aircraft or space assets.

1.1.2. Because various agencies and departments have differing policies and procedures regarding witnesses, analysis and the release of information, a joint military-civil investigation with shared responsibility is not practical.

1.1.3. This guidance strives to foster cooperation during the investigations of aircraft mishaps involving both civil and military aircraft or space assets, while adhering to the unique requirements of civil and military investigations.

1.1.4. Since the common goal of safety investigations is mishap prevention, cooperation between military and civil agencies is both logical and desirable.

1.2. Responsibility.

1.2.1. The Air Force Chief of Safety (HQ USAF/SE) has primary responsibility for this publication. Each participant also uses component-unique publications. If a participant alters these policies or procedures because of unique operating procedures, it indicates applicability to that service or agency only.

1.3. Types of Investigations.

1.3.1. Mishaps can precipitate multiple investigations for alternate purposes and under separate authorities.

1.3.2. Mishaps are investigated for two primary reasons; 1) to determine the cause(s) of the mishap to prevent the recurrence of like mishaps, and 2) to satisfy legal or administrative concerns.

1.3.2.1. A safety investigation promotes safety by identifying mishap circumstances (i.e., hazards) which, if eliminated or reduced, could prevent the recurrence of the mishap. A safety investigation recommends corrective actions to reduce or eliminate hazards.

1.3.2.2. Other investigations may be conducted by military authorities and others for a variety of purposes, such as providing a basis for administrative or judicial proceeding, claims or entitlements. An administrative investigation may conclude culpability and may recommend punitive action.

1.3.3. Depending on the circumstances of the mishap, jurisdictions of both civil and military authorities may apply simultaneously.

1.3.3.1. The military derives its authority to investigate mishaps from the statutory and inherent authority of the respective service secretary. Procedures for mishap reporting and investigation, and policies on the release of information are contained in DODI 6055.07 and the respective service implementing directives listed in Attachment 1. Further, Title 49 (49 U.S.C. § 1132d) implicitly acknowledges that when an accident involves only military

aircraft, the mishap investigation will be under military authority, reserving participation for the Secretary of Transportation (SECTRANS) when a SECTRANS duty is involved.

1.3.3.2. Title 49, U.S.C. Chapter 11 assigns the NTSB responsibility to investigate each civil aircraft mishap within the United States, its territories and possessions, including, with the participation of appropriate military authorities, each accident involving both military and civil aircraft. The NTSB is a separate federal agency, independent of the Department of Defense (DOD), Department of Transportation (DOT) and Department of Homeland Security (DHS). An NTSB aircraft investigation has priority over any other investigation by another federal agency or department. Concurrent investigations are not joint with the NTSB and may not interfere with NTSB activities. The NTSB has subpoena power to compel a witness' statement or testimony. NTSB procedures for investigations and reporting are contained in Title 49, Code of Federal Regulations (CFR), Chapter VIII, Parts 830 (Notification), 831 (Investigation), and 845 (Rules and Practice for Investigative Hearings).

1.3.4. This pamphlet discusses four types of investigations; the NTSB accident investigation, the NASA space mishap investigation, the military mishap safety investigation, and the military legal or administrative investigation.

1.3.4.1. The NTSB accident investigation is conducted in the public interest to promote aviation safety. NTSB proceedings differ from military investigations especially in the areas regarding witnesses and information release. In an NTSB investigation a witness can be subpoenaed to appear before the NTSB to provide a statement or testimony, but the witness cannot be compelled to incriminate themselves. The witness is entitled to representation or counsel, and the witness' statement or testimony is not privileged. Relevant portions become part of the NTSB's public investigation record. The NTSB's report, cause determination and recommended corrective actions are public records, but are not admissible in court as evidence.

1.3.4.2. The primary purpose of a NASA mishap investigation is to prevent similar occurrences and thus improve the safety of NASA operations. In accordance with NASA policy, witness statements given in the course of a NASA mishap investigation are considered as protected and therefore not normally releasable to the public or news media. NASA may also elect not to release other information in a NASA mishap investigation report depending on such factors as whether the information is classified or involves privacy considerations.

1.3.4.3. The military mishap safety investigation is an internal inquiry by the respective service conducted solely for the purpose of mishap prevention. In soliciting information from personnel involved in the mishap, the investigative board may grant a promise of confidentiality to a witness to assure them that the information they provide will only be used to prevent further mishaps and will not be released for any other purpose. Portions of a military safety investigation report contain privileged information and documents, not releasable to the public. For further information on safety privilege, see AFI 91-204, *Safety Investigation & Hazard Reporting* for further guidance.

1.3.4.4. The military accident investigation is conducted apart from a military safety investigation. Such investigations may take a variety of forms, and may involve witness testimony under oath. Witnesses may be represented by counsel and must be informed of

their rights against self-incrimination if they are suspected of a criminal offense. Statements may generally be admitted as evidence against the witness or used in any other manner. The military administrative investigation and report satisfy the requirement for legal and administrative documentation of a mishap. The report may be releasable to the NTSB, NASA, the FAA, and the public. See AFI 51-503, 14 Apr 18, *Aerospace & Ground Accident Investigations*.

1.4. Security.

1.4.1. Security matters are administered according to military service regulations.

1.4.2. As appropriate, the commander of the unit to which the mishap aircraft or spacecraft was assigned, the commander of the nearest military installation, or the commander conducting the investigation should be responsible for the security of any classified material associated with the mishap.

1.4.3. The senior member of the military investigation board (i.e., the board president) is normally responsible for ensuring all board participants that have access to classified material have the appropriate security clearance.

1.4.4. In an NTSB investigation, the military coordinator provides liaison for security matters between the NTSB Investigator-in-Charge (IIC) and the appropriate military authority.

1.4.5. In a mishap involving classified material, military authorities should identify an appropriate access level so the NTSB, NASA and FAA may assign personnel with the appropriate clearances. Not all NTSB, NASA and FAA personnel hold security clearances.

1.4.5.1. Official notification from the NTSB, NASA and the FAA to military authorities of the clearances agency personnel hold and the presentation of agency credentials constitutes evidence of clearance.

1.4.6. In an NTSB, NASA or FAA investigation not all participants may have security clearances. If classified material is involved, the military authority and the NTSB, NASA or FAA should determine if such material is central or incidental to the mishap and take appropriate actions to limit access to the material to those personnel with the appropriate clearance and need to know.

Chapter 2

NTSB INVESTIGATION WITH MILITARY PARTICIPATION

2.1. General.

2.1.1. A mishap involving both civil and military aircraft triggers an NTSB investigation in accordance with Title 49 USC Section 1132. Military investigations for safety or legal purposes may proceed concurrently, but the NTSB has first claim on evidence. To assist these separate investigations, it is important that non-privileged information concerning the mishap be exchanged promptly and completely. See chapter 5 for more information.

2.1.2. NTSB proceedings differ from military investigations and may take much longer to complete.

2.2. Organization.

2.2.1. The NTSB IIC organizes the investigation in a manner considered expedient to develop evidence. Organization is flexible and may be adjusted as lines of inquiry conclude or new topics open.

2.2.2. The IIC usually forms groups, each chaired by an NTSB investigator, to concentrate on specific topics appropriate to the aircraft or mishap. Examples would be groups for operations, airframe, power plants, weather, or human factors.

2.3. Participation.

2.3.1. The NTSB designates individuals or representatives of government agencies, corporations, or organizations whose personnel, products or services were involved in the mishap as parties to the investigation.

2.3.2. The FAA may exercise party status in NTSB aviation investigations. If invited by the NTSB, a military service may also exercise party status in the NTSB investigation of a mishap involving that service's aircraft. Party status is limited to those persons, Federal, state, or local government agencies and organizations whose employees, functions, activities, or products were involved in the accident and that can provide suitable qualified technical personnel to actively assist in an investigation. A military service may generally, therefore, exercise party status in the NTSB investigation of a mishap involving that service's aircraft.

2.3.3. Additional parties may be admitted at the IIC's discretion, if it is determined there is a need for technical expertise or the unique knowledge a party can provide. Claimants' or insurers' representatives are not admitted to the investigation.

2.3.4. Parties do not participate in the analysis and report writing phase of NTSB investigations or participate in the decision of the NTSB about the probable cause of the accident.

2.3.5. A party to an investigation is a company or agency with specific knowledge or skill needed by the NTSB to perform the investigation. Parties furnish a coordinator to work with the IIC, and specialists to one or more specialized investigative groups.

2.3.6. The IIC may relieve a party from participating in the investigation for nonperformance, withholding information or conduct prejudicial or disruptive to the investigation.

2.4. Witnesses.

2.4.1. The NTSB has subpoena power and can compel a witness to appear before its field investigator, at a public hearing, or formal deposition, to provide a statement or testimony, but it cannot compel the witness to provide incriminating statements or testimony.

2.4.2. A witness providing a statement to a field investigator is not normally sworn, however a witness at a public hearing or formal deposition testifies under oath. In either case the witness is advised of the investigation's purpose.

2.4.3. Any statement or testimony becomes part of the investigation record.

2.4.4. A witness may be accompanied or advised by counsel or a representative of his choice.

2.4.5. Depending on the format used by the IIC or group chairman, parties may be allowed to attend interviews and questioning of witnesses.

2.5. Investigation Sequence.

2.5.1. An NTSB investigation usually proceeds as follows.

2.5.2. Field Investigation. The IIC, group chairs, and parties gather at a location near the mishap site. A board member of the NTSB may also be present if the mishap is of national significance or wide public interest.

2.5.2.1. The IIC will hold an organizational meeting, exclude any whom he does not wish to admit as parties to the investigation, summarize available information, appoint groups, and assign tasks.

2.5.2.2. The field investigation encompasses wreckage examination, component disassembly, data or record retrieval, and witness interviews. Such activities may involve travel to other locations as the IIC or group chair considers appropriate.

2.5.2.3. The IIC will hold a daily progress meeting of all parties involved to hear group chairs present evidence and to direct further activities.

2.5.2.4. The field investigation will adjourn when the IIC is satisfied of its sufficiency. The chair of each group will assemble "field notes" and each of the parties in the group will be asked to sign the report to indicate they took part in the field investigation. The field notes are considered official use only and are not placed in the public docket.

2.5.3. Research and Component Examination. The NTSB's engineering staff and laboratory can perform scientific examination of material exhibits and conduct performance research. Additionally, NTSB technical specialists can decipher and display various recorded data (i.e., radar, voice, and data recorders) for the investigators' use.

2.5.3.1. An engineering or technical project by the NTSB will be documented in a factual report which becomes part of the public docket.

2.5.4. Investigative Hearing. The NTSB may hold an investigative hearing as part of an investigation. The purpose of the hearing is two-fold; first, to gather sworn testimony from subpoenaed witnesses on issues identified by the NTSB during the course of the investigation, and second, to allow the public to observe the progress of the investigation.

2.5.5. Determining Cause. Analysis to determine the cause(s) of the mishap is conducted internally among NTSB personnel only (i.e., IIC, group chairs, engineering and technical staffs). This process is closed to parties.

2.5.5.1. Parties may propose findings, probable cause(s) and recommendations. These submissions become part of the public docket. The NTSB considers the body of evidence, its staff's analysis and any submissions, to assign factors and probable cause.

2.6. Recommendations.

2.6.1. When it finds an opportunity to promote aviation safety, the NTSB recommends corrective action(s) to appropriate agencies, corporations or associations.

2.6.2. Parties may make written submissions proposing corrective action(s).

2.7. Board Meeting.

2.7.1. For an accident of national significance or wide public interest, a public Board Meeting may be convened after the investigation has been concluded, but before the investigation report is released.

2.7.2. NTSB personnel summarize evidence and may present analysis.

2.7.3. The NTSB considers and votes upon findings, recommendations, and the probable cause(s).

2.7.4. Parties, the press and the public may attend but may not interact with the NTSB during the meeting.

2.7.5. A videotape of the NTSB meeting is placed in the public docket for the investigation, along with the aircraft accident report (AAR).

2.8. Mishap Information.

2.8.1. Press and Public Relations. The NTSB responds to press and public interest in its investigation with prepared releases or through a selected spokesman. Only the IIC, the Member present at the mishap scene, or the NTSB Office of Media Relations may publicly release information concerning findings or the conduct of the investigation.

2.8.2. Reports. The NTSB staff writes and assembles the AAR which may include factual reports by group chairs and NTSB engineers or technicians, photographs, diagrams, witness statements, and copies of documents which illuminate the accident circumstances.

2.8.2.1. The AAR, its determination of cause and its proposals for corrective action are public records, as are any communications to the NTSB concerning the investigation.

2.8.2.2. Investigators' intermediate work products (e.g., notes, excess photographs and unused documents) are destroyed when no longer needed for the investigation and the NTSB's analysis are not releasable and are destroyed when no longer needed for the investigation.

2.8.2.3. Information which is proprietary, classified, or would unduly violate an individual's privacy is not releasable. The latter is not equivalent to privileged safety information.

2.8.2.4. The NTSB considers its cases to always remain open. It accepts new evidence at any time and, if appropriate, reconsiders its findings and recommendations in light of new evidence.

2.9. Notification.

2.9.1. The military commander having first knowledge of a mishap involving both civil and military aircraft should notify the appropriate service headquarters and service safety center by telephone and then by message in accordance with service directives.

2.9.2. The service safety center relays pertinent mishap information to the NTSB Response Operations Cell by telephone and by confirming message.

2.9.3. The NTSB or FAA notifies the appropriate service headquarters and service safety center when its personnel report a mishap involving both civil and military aircraft.

2.10. Responsibilities.

2.10.1. The service safety center elects whether to participate in an NTSB investigation and informs the NTSB, the involved military commanders and military investigative boards.

2.10.2. If participating, the safety center appoints a military coordinator and personnel to take part in the investigative groups.

2.10.2.1. The military coordinator and personnel appointed to take part in the NTSB investigative groups do not participate in a concurrent military investigation into the mishap nor have access to privileged safety information regarding that mishap. Representatives proposed to participate in the investigation may not have had direct involvement in the accident under investigation.

2.10.3. Once the military participants have been identified the service safety center notifies the NTSB, involved military commanders and investigative boards of the appointment of the coordinator and other party members.

2.10.4. Prior to the NTSB's consideration of probable cause or recommendations, the parties may submit proposed findings, proposed probable cause(s), and proposed safety recommendations drawn from the evidence.

2.10.5. Military commanders provide all reasonable assistance to the federal agencies conducting investigations.

2.10.6. The military coordinator serves as the service's principal representative to the NTSB investigation. The coordinator contacts the IIC, attends the field investigation and assists as the IIC directs.

2.10.6.1. The coordinator is the focal point for passing non-privileged information between the NTSB and the concurrent military investigation(s).

2.10.6.2. The coordinator arranges with the appropriate military authority access to personnel, data, records, or facilities as necessary to support the NTSB investigation.

2.10.6.3. The coordinator supervises the military party to the investigation and conducts periodic meetings of assigned personnel to stay abreast of evidence developed or any difficulties encountered among the groups.

Chapter 3

MILITARY INVESTIGATION WITH NTSB OR FAA PARTICIPATION

3.1. General.

3.1.1. A military aircraft mishap without civil aircraft involvement is investigated by personnel from the appropriate military service. These same personnel determine cause(s) from the evidence gathered, recommend corrective action(s), and create a report of their investigation and analysis.

3.2. Participation.

3.2.1. By law, military authorities provide for participation by the Secretary of Transportation in the military investigation of a mishap in which a duty of the Secretary may be involved.

3.2.2. The NTSB may have an interest when the above duty is an FAA function applicable to civil aviation.

3.2.3. Participation may be extended to the NTSB when military authority deems it could contribute to aviation safety.

3.2.4. The NTSB and FAA may decline to participate.

3.2.5. The concept of party status (i.e., participation) as used in the context of an NTSB investigation is not defined in military services' directives governing military mishap investigations and reporting.

3.2.5.1. Service directives provide for investigative boards' use of scientists, engineers, technical experts or manufactures' representatives.

3.2.5.2. NTSB or FAA personnel, unless appointed, should not be present during interviews of witnesses providing a statement under a promise of confidentiality, board deliberations on privileged information, or creation of the investigation report.

3.2.5.3. In view of the above, participation in a mishap investigation under military authority is construed to mean attendance and active assistance in any portion of the investigation except those in which the investigative board obtains, analyzes or reports privileged information.

3.2.6. Circumstances which may invoke NTSB or FAA participation in a military investigation are:

3.2.6.1. A mishap involving military aircraft or component equipment with a civilian equivalent.

3.2.6.2. A mishap involving an operation applicable to civil aviation.

3.2.6.3. A mishap involving an FAA function.

3.2.7. According to DoDI 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*, the DoD Component shall allow participation of a representative of the Secretary of Transportation in a safety investigation if one of the following is or may be involved:

3.2.7.1. Actions or lack of relevant actions by FAA personnel.

- 3.2.7.2. FAA certification of a civilian crewmember, air agency, or operator.
- 3.2.7.3. FAA design or airworthiness certification.
- 3.2.7.4. Navigation or airport facility established, operated or maintained by the FAA; by another agency for the FAA; or by any non-government entity when intended for use by aircraft in the National Airspace System.
- 3.2.7.5. FAA rule, regulation or order applicable to airspace use.
- 3.2.7.6. FAA air traffic service (i.e., clearance, instruction, or advisory), air-ground or point-to-point message transmission, weather observations and reports, notices to airmen, or airport advisories and flight services.
- 3.2.7.7. FAA approach control function delegated to a military facility.
- 3.2.7.8. An operation under an FAA waiver or exemption, including certificates of waiver or authorization (COAs) granted for the operation of unmanned aircraft systems (UASs).
- 3.2.7.9. FAA standards for required navigational performance, obstruction clearance, flight inspection, lighting or markings at airports and along airways.
- 3.2.7.10. FAA air carrier or airport security.
- 3.2.7.11. Medical competency of certificated airmen.
- 3.2.7.12. Operations involving commercial space operations.

3.3. Notification.

- 3.3.1. The military commander having first knowledge of a military aircraft mishap notifies the appropriate service headquarters and service safety center in accordance with service directives.
- 3.3.2. If FAA involvement is known or considered likely, the commander should remark the same in his initial notification.
- 3.3.3. The senior member of a military investigation board should notify his appointing commander and the service safety center if during an investigation the board finds FAA involvement or considers it likely.
- 3.3.4. The service safety center normally notifies the FAA and the NTSB Response Operations Cell by telephone and confirming message on obtaining notice of known, or likely, FAA involvement.

3.4. Key roles.

- 3.4.1. Military commanders are normally responsible for notifications.
- 3.4.2. The service safety center normally determines whether the NTSB may have an interest in the investigation.
- 3.4.3. The service safety center normally provides the FAA and the NTSB the opportunity to participate in the investigation according to each agency's respective involvement or interest.
- 3.4.4. The NTSB and the FAA should acknowledge notification, and indicate their respective intentions to participate.

3.4.4.1. If the NTSB or FAA elects to participate in an investigation, they should identify any personnel assigned to the investigation, to the service safety center and to the appropriate military authority.

3.4.5. The senior member of the investigative board with FAA or NTSB participants normally supervises and directs their activities during the course of the investigation.

3.5. Witness Testimony and Privileged Proceedings or Reports.

3.5.1. Service personnel conducting a safety investigation may grant a promise of confidentiality when interviewing a witness or soliciting a written statement. Please see AFI 91-204 for further guidance.

3.5.2. A witness' oral or written statement is not taken under oath, nor does counsel normally represent the witness.

3.5.3. A witness is free to give opinion or speculation.

3.5.4. NTSB and FAA participants are not normally privy to confidential witness interviews, unless the senior member of the military board deems their expertise essential to the interview, and the service safety center approves. NTSB and FAA participants who are granted access to confidential witness interviews receive USAF safety privilege training and/or sign a non-disclosure agreement to protect the privileged information.

3.5.5. NTSB and FAA participants do not attend safety board deliberations, but may submit proposed findings, causes and recommendations drawn from evidence.

3.5.6. Privileged documents (i.e., witness statements, records of board analysis, findings, conclusions or recommendations) are not normally provided to NTSB or FAA participants.

3.6. Press and Public Relations.

3.6.1. Only personnel acting under their respective service directives release information on the progress or outcome of the military investigation.

3.7. NTSB and FAA Participation.

3.7.1. NTSB and FAA representatives may be expected to provide broad knowledge of their agencies and to support the investigative board with access to agency personnel for interviews, topical information, and records.

3.7.2. NTSB and FAA representatives may be expected to pass information to their agencies which apply to civil aviation or space operations.

3.7.3. FAA participants in a military safety investigation normally do not take part in another associated investigation, enforcement or civil penalty action.

3.7.3.1. This does not prevent the FAA from taking action on violations of Federal Aviation Regulations. Other FAA personnel would be appointed to gather evidence and prepare an action.

3.7.4. Copies of non-privileged documents used in the military investigation may be provided to the NTSB and FAA participants as the senior military member sees fit. Such a release should be made in consultation with the senior military member of any other military investigations

of the mishap to ensure that other investigations are not compromised by any agreement to share non-privileged documents.

3.8. Reports.

3.8.1. A mishap safety investigation report may be released only as prescribed by the department secretary having custody of the report.

3.8.2. If during the investigation, the NTSB identifies a hazard which requires immediate action on the part of civil aviation or space operations, the senior member should expeditiously report the hazard apart from its mishap context to the service safety center for passage to the appropriate action agency.

3.8.3. An investigative board's conclusion attributing cause to another agency or recommendation of corrective action by another agency may be released only by the military service headquarters.

Chapter 4

NASA SPACE MISHAP INVESTIGATION WITH MILITARY PARTICIPATION

4.1. General.

4.1.1. In the case of a high-visibility, mission-related, space flight mishap, the NASA Administrator may request participation of military personnel on a case-by-case basis.

Chapter 5

EXCHANGE OF INFORMATION

5.1. General.

5.1.1. In accidents involving only military aircraft or spacecraft, the DoD Components provide the NTSB or Department of Transportation non-privileged or sanitized information the DoD Components decide would contribute to the promotion of safety.

5.1.2. A service safety center transmits to the FAA, the NTSB or others as necessary, a report of a hazard requiring action by a component of civil aviation.

5.1.3. Information of interest to the NTSB and FAA. Each military safety center evaluates information gathered from various reports. Data derived on the basis of comparable models, components or systems in civil aviation, or experience in similar operations is normally provided to the NTSB and the FAA. Information may be drawn from one occurrence or generalized from multiple events.

5.1.4. When requested, the Air Force Safety Center Legal Office processes and approves requests for USAF mishap report information.

5.2. Reciprocal agreements.

5.2.1. A DoD Component may establish reciprocal formal agreements for sharing relevant safety information with other Federal agencies regarding similar airframes, space assets or systems for mishap prevention purposes, but only where adequate protection of privileged safety information exists to maintain the safety privilege, and where the recipient agency agrees to provide similar safety information to the DoD Component.

5.3. Non-privileged safety information.

5.3.1. Whenever appropriate, the DoD Component safety agencies should share non-privileged safety information such as aggregate data or sanitized reports in lieu of privileged reports.

5.4. Witness statements.

5.4.1. Information (the witness statement) given to a safety investigator pursuant to a promise of confidentiality, any direct references to that information, and any information that could be used to identify the source who provided the information, is not normally shared.

5.5. Establishing procedures.

5.5.1. The DoD Components sharing safety information normally establish procedures, approved by an official no lower than the head of the safety agency of the DoD Component.

5.6. Formal agreements.

5.6.1. A formal agreement with the Federal agency should be established by the DoD Component prior to sharing either privileged safety information or sanitized information. The agreement normally describes, at a minimum:

5.6.2. The nature and detail of the safety information to be shared.

5.6.3. Include the agreement by the Federal agency that, prior to receiving the privileged safety information, requires all its employees who will have access to the privileged safety information to sign a personal nondisclosure agreement.

5.6.4. In the event the Federal agency fails to safeguard any shared safety information, such information is returned and future sharing of such safety information is suspended until the causes of the breach have been remedied and acceptable measures to safeguard safety information have been re-established.

5.6.5. When the Federal agency fails to provide relevant safety information under terms of the agreement, the agreement may be canceled.

JOHN T. RAUCH,
Maj Gen, USAF
Chief of Safety

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

DODI 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*, 6 June 2011

AFI 33-324, *The Air Force Information Collections and Reports Management Program*

AFI 51-503, *Aerospace Accident Investigations*, 26 May 2010

AFI 91-204, *Safety Investigations and Reports*, 27 April 2018

AFMAN 91-223, *Aviation Safety Investigations and Reports*, Change 1, 6 June 2016

AFMAN 91-222, *Space Safety Investigations and Reports*, 22 December 2016, AFGM2018-1 11 June 2018

AFMAN 33-363, *Management of Records*

NPR 8621.1C, NASA Procedural Requirements for Mishap and Close Call Reporting, Investigating, and Recordkeeping

Title 49 United States Code Chapter 11

Title 49 Code of Federal Regulations Chapter VIII

COMDTINST M5100.47, *Safety and Environmental Health Manual*

COMDTINST M5830.1, *Administrative Investigation Manual*

COMDTINST M5890.9, *Claims and Litigation Manual*

COMDTIINST M5728.2, *Public Affairs Manual*

COMDTINST M3710.1, *Air Operations Manual*

Abbreviations and Acronyms

AAR—Aircraft Accident Report

DODI—Department of Defense Instruction

DOT—Department of Transportation

FAA—Federal Aviation Administration

HQ AFSEC—Headquarters, Air Force Safety Center

IIC—Investigator in Charge

NASA—National Aeronautics and Space Administration

NTSB—National Transportation Safety Board

USC—United States Code

Terms

Administrator—The senior official of an Agency (e.g., FAA, NASA).

Aircraft Accident (civil definition)—An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with intention of flight and until such time as all such persons have disembarked, and in which person suffers death or serious injury, or in which the aircraft receives at least substantial damage. NTSB regulations further define damage and injury categories.

Aircraft Mishap (military definition)—A DoD mishap involving aircraft or flying operations. See DODI 6055.07.

The Board—Five Presidential appointees, called Members, who constitute the NTSB proper. The Board is supported by a staff of investigators and technical specialists. In this publication, Board refers to the Members, whereas NTSB refers to the agency as a whole.

Chairman—Senior Board Member of the NTSB.

Coordinator—Senior delegate of a party to a NTSB investigation, works with and assists the NTSB's IIC through an investigation's completion.

Investigator in Charge—A senior NTSB official who organizes, conducts and reports on an investigation. Controls evidence, supervises and coordinates resources and all personnel involved in the investigation.

Mishap—An unplanned event resulting in injury or damage; synonymous with an accident.

Mishap Safety Investigation—A military service's internal inquiry and report directed solely to mishap prevention. The report is close-hold, with access limited to those specified in service directives.

Party (Participant)—A person, government agency, corporation, or association designated by the NTSB to assist in an investigation by virtue of technical expertise or unique knowledge of equipment, personnel or circumstances involved in a mishap.

Privilege—A common law doctrine or statutory rule of evidence that protects certain communications and products from being used as evidence in court or otherwise released.

Privileged Safety Information—Information that is reflective of a deliberative process in the safety investigation or given to a safety investigator pursuant to a promise of confidentiality, which the safety privilege protects from being released outside safety channels or from being used for any purpose except mishap prevention. It includes products such as draft and final findings, evaluations, opinions, preliminary discussions, conclusions, mishap causes, recommendations, analyses, and other material that would reveal the deliberations of safety investigators, including reviews and endorsements. It also includes information given to a safety investigator pursuant to a promise of confidentiality and any information derived from that information or direct or indirect references to that information. (DODI 6055.07)

DISTRIBUTION—FAA: Office of Accident Investigation

Headquarters, National Aeronautics and Space Administration, Washington, DC 20546
National Transportation Safety Board (Office of Aviation Safety), 490 L'Enfant Plaza, SW,
Washington, DC 20594-2000
NASA-Ames Research Center (NASA-MS239), P.O. Box 189, Moffett Field, CA 94035

Attachment 2**RECOMMENDED MESSAGE TEMPLATE FOR NOTIFICATION OF MILITARY PARTICIPATION IN A NTSB, NASA OR FAA INVESTIGATION**

FROM: (Applicable military safety center)

TO: NTSB WASHINGTON DC//AS// or NASA WASHINGTON DC

INFO: FAA WASHINGTON DC

(Military investigation board)

SUBJECT: Aircraft/Spacecraft Mishap (aircraft type/model/serial number) Occurring at (location) on (date and time (Z))

1. Reference (mishap notification message/telephone call).
2. The (military service) (will) (will not) participate in the subject mishap investigation.
3. The (military service) coordinator will be: (give full name, position, rank/title, security clearance, and duty location).
4. Personnel designated as parties to the investigation are: (provide same information as in part 3 for each individual).
5. Personnel arriving by (car, air, etc.) at (time and place).
6. (Requests or requirements)

Attachment 3**RECOMMENDED MESSAGE TEMPLATE FOR NOTIFICATION OF NTSB, NASA OR
FAA PARTICIPATION IN A MILITARY INVESTIGATION**

FROM: (NTSB, NASA or FAA as applicable)

TO: (applicable military safety center)

INFO: (applicable military service headquarters)

(Military investigation board if address is known)

SUBJECT: Mishap (aircraft/spacecraft type, model, serial number) Occurring at (location) on
(date and time (Z))

1. Reference (mishap notification message/telephone call).
2. The (NTSB, NASA or FAA) (will) (will not) participate in the subject aircraft mishap investigation.
3. The (NTSB, NASA or FAA) accident coordinator will be: (give full name, position held in NTSB/NASA/FAA, security clearance, and duty location).
4. Other personnel assisting the accident coordinator are: (give same information as in part 3 for each individual).
5. Personnel arriving by (car, air, etc.) at (time and place).
6. (Requests or requirements)

Attachment 4**RECOMMENDED MESSAGE TEMPLATE FOR NOTIFICATION OF POSSIBLE
NTSB OR FAA INVOLVEMENT IN A MILITARY AIRCRAFT MISHAP**

FROM: (Applicable military safety center)

TO: NTSB WASHINGTON DC//AS//

FAA WASHINGTON DC

INFO: (as appropriate)

SUBJECT: Military Aircraft Mishap Involving an FAA Function

1. (Date and time (Z) of the mishap).
2. (Location of accident scene using NM distance and direction from nearest military base or prominent location or lat/long coordinates).
3. (Aircraft type, model, and serial number).
4. (Unit to which aircraft was assigned at time of mishap).
5. (Last departure base of aircraft).
6. (Specify type of air traffic control clearance).
7. (Aircraft destination).
8. (Last known aircraft position in flight and last known radio contact).
9. (Security classification of mishap).
10. (State if any hazardous materials were onboard the aircraft or none).
11. (Description of mishap).
12. (Identify FAA functions possibly involved).
13. (NTSB or FAA) participation in the mishap investigation (is) (is not) requested.
14. (State if other military investigations are or will be conducted).
15. (Provide POC to be contacted for further information).

Attachment 5
AGENCY INFORMATION

Mailing Address

HQ Air Force Safety Center

9700 G Avenue

Kirtland AFB NM 87117-5670

DSN 246-2372/0550 (duty hours) or 246-6432 (after duty hours) Comm (505) 846-2372

National Transportation Safety Board:

Response Operations Cell

490 L'Enfant Plaza East, SW

Washington DC 20591

Comm (202) 314-6290

Federal Aviation Administration

FAA Office of Accident Investigation

800 Independence Avenue, SW

Washington DC 20591

Comm (202) 267-3333

National Aeronautics and Space Administration

Office of the Administrator

300 E Street SW

Washington, D.C. 20546

Comm (202) 358-1010

NASA HQ, Space Operations Center, Room 5H65

Comm 202-358-4456

E-Mail

HQ_SpaceOperationsCenter@mail.nasa.gov

Message Address

HQ AFSC KIRTLAND AFB NM// CC/CD/SEF//

NTSB WASHINGTON DC//AS//

FAA WASHINGTON DC//A