

LAS 5528 72-22-ISFSI-STATE Exhibit 60-Rec'd 4/12/02

Document Type: Mandatory - Air Force Document
Title: AF Instruction 51-503; Aircraft, Missile, Nuclear, and Space Accident Investigations; 5 April 2000

DOCKETED
USNRC

2003 JAN 29 PM 2:46

Open this portion of the document in Word (312 KB)

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

AF Instruction 51-503

Aircraft, Missile, Nuclear, and Space Accident Investigations

5 April 2000

Certified by: AFLSA/JAC (Col. Charles H. Wilcox II) Supersedes AFI 51-503, 1 December 1998.

OPR: AFLSA/JACT (Maj Brett L. Coakley) Distribution: F

**By Order of the Secretary of the Air Force
Compliance With This Publication is Mandatory**

Law

*Notice: This publication is available digitally on the SAF/AAD
WWW site at: <http://afpubs.hq.af.mil>. If you lack access, contact
your Publishing Distribution Office (PDO).*

This instruction implements guidance from AFPD 51-5, Section B, *Military Legal Affairs*; DoD Instruction 6055.7, *Accident Investigation, Reporting, and Recordkeeping*, and Title 10, United States Code, Sections 2254 and 2255. It applies to all Air Force, Air Force Reserve (USAFR), and Air National Guard (ANG) military and civilian personnel. It provides guidance and procedures for conducting accident investigations of military aircraft, missile, nuclear, and space accidents. It describes when and how to conduct an accident investigation, how to prepare and distribute accident reports, and how to store and dispose of accident wreckage, related documents and materials. It also addresses interactions with the next-of-kin, Congress, media, and other interested parties. It prescribes command, board president, legal and technical advisor responsibilities and duties. It prohibits unauthorized disclosure of accident investigation information by personnel subject to this instruction. Failure to observe the prohibitions and mandatory provisions of this instruction under paragraph 7.1.2 by active duty Air Force members, USAFR members on active duty or inactive duty for training, and ANG members in federal service, is a violation of Article 92, Uniform Code of Military Justice (UCMJ). Violations by civilian employees may result in administrative disciplinary actions without regard to otherwise applicable criminal or civil sanctions for violations of related laws. Only MAJCOMs may supplement this instruction. MAJCOMs will send one copy of each supplement to AFLSA/JACT, 1501 Wilson Blvd, Rm 835, Arlington, VA 22209-2403. See Attachment 1 for a glossary of references and supporting information.

Summary of Revisions

This revision incorporates Interim Change (IC) 2000-1 and implements direction from the Chief of

Staff of the Air Force on the grade of AIB presidents in fatality cases and the report approval process. The direction on board president grade requirements is in paragraph 4.2. The direction on the report approval process is in paragraph 9.3.

Chapter -- 1

Accident Investigation Boards (AIBS) and Safety Investigation Boards (SIBS)

1.1. Generally. DoDI 6055.7, *Accident Investigation, Reporting, and Recordkeeping*, requires each service to conduct safety mishap investigations and legal mishap investigations for specified accidents. The Services use different terminology to refer to legal mishap investigations. The Air Force uses the term "accident investigation" in lieu of "legal mishap investigation." The Army uses the term "collateral investigation" and the Navy uses the term "JAGMAN investigation." Accident investigations are separate from and independent of safety investigations. Air Force accident investigations are conducted through Accident Investigation Boards (AIBs). An AIB is composed of a board president and advisory members. The AIB is a non-voting board; the president is solely responsible for the contents of the AIB Report.

1.2. Purpose of Accident Investigations. The purpose of accident investigations is to provide a publicly releasable report of the facts and circumstances surrounding the accident, to include a statement of opinion on the cause of the accident; to gather and preserve evidence for claims, litigation, disciplinary, and adverse administrative actions; and for all other purposes. AIB Reports are:

1.2.1. Provided and personally briefed to the next-of-kin (NOK) of crewmembers and other military personnel and civilians killed, and to individuals seriously injured in the accident.

1.2.2. Released to members of the public and media, upon request.

1.2.3. Released to members of Congress, upon request.

1.2.4. Released to other interested government agencies, upon request.

1.2.5. Used by the Air Force for the adjudication of wrongful death, personal injury, and property damage claims resulting from the accident.

1.2.6. Used by the Air Force to determine if any punitive or administrative action should be taken against persons whose negligence or misconduct contributed to the accident.

1.3. Purpose of Safety Investigations. Safety investigations are conducted solely for mishap prevention under AFI 91-204, *Safety Investigations and Reports*. Safety investigations determine the causes of accidents to prevent future accidents. Because the overriding purpose of safety investigations is accident prevention, no impediment to the gathering of timely and accurate information should occur. During certain types of safety investigations, promises of confidentiality may be granted to witnesses and contractors in order to promote full and timely disclosure of information. Statements and documents given under a promise of confidentiality are privileged and

cannot be disclosed outside of Air Force safety channels. The Air Force does not use privileged safety information for line-of-duty determinations, claims adjudication, flying evaluation board proceedings, pecuniary liability determinations, or any other civil, criminal, or adverse actions. Access to privileged safety documents is limited to those with a genuine need to know. The AIB is not authorized access to privileged safety documents.

1.3.1. The SIB produces a two-part report. Part I contains non-privileged, factual information. Part II contains confidential witness and contractor statements and documents, as well as the SIB deliberations, findings, and recommendations. Part II of the SIB Report is privileged and only used for accident prevention and safety purposes. For questions regarding the safety privilege, consult AFI 91-204 or contact AFSC/JA at DSN 246-0626.

1.4. *Relationship Between Safety Investigations and Accident Investigations.* Safety investigations normally take precedence over accident investigations. Usually the two investigations will overlap in time. In the event of conflicts between the two investigations regarding access to the scene, acquiring and examining evidence, and interviewing witnesses, safety investigations have priority. Table 1.1 illustrates the relationship between safety investigations and accident investigations.

Table 1.1. -- Distinctions Between Safety Investigations and Accident Investigations.

	Safety Investigation	Accident Investigation
Regulation	AFI 91-204	AFI 51-503
Purpose	Accident prevention	All purposes
Status	Part I not privileged. Part II privileged. Part I provided to the AIB	Not privileged; entire report is publicly disclosed
Format	Two part report	Single report
Contents	Facts, findings, causes, and recommendations	Facts and statement of opinion as to the cause(s) of the accident and/or factors that substantially contributed to the accident. No recommendations
Published Minority Opinion Allowed?	Yes	No

Chapter -- 2

Convening an Accident Investigation Board (AIB)

2.1. Convening Authority. The same commander who convened or would convene a corresponding safety investigation under AFI 91-204 convenes the accident investigation.

2.1.1. For Class A accidents, the convening authority will be the MAJCOM commander. This responsibility may be delegated to the vice-commander; it may not be delegated to a subordinate commander or staff member.

2.1.2. When an accident involves aircraft or personnel from more than one MAJCOM, the convening authority for the AIB will be the same as the SIB.

2.1.3. When an Air Force accident involves aircraft or personnel from other branches of the armed forces, the convening authority for the AIB will typically be the same as the SIB. See AFI 91-204 for additional guidance.

2.1.4. The investigation of Air Force accidents that occur in foreign territory, or those that involve any civil or foreign military aircraft, may be affected by treaties, statutes, regulations, agreements, and other procedures. For accidents occurring on foreign territory, the SJA of the Air Force MAJCOM or component responsible for air operations in that country or area of responsibility (AOR) should be consulted. For Air Force accidents involving any civil or foreign military aircraft in the United States, consult AFLSA/JACT for guidance regarding the scope and nature of Air Force involvement in the investigation. See AFI 91-204 for additional guidance.

2.2. AIB Appointment. The commander convenes an AIB by appointing, in writing, the AIB president as well as investigators and advisors to assist in the investigation.

2.2.1. The AIB should be appointed concurrently with the SIB, or as soon as possible thereafter. Under certain circumstances (e. g., crashes involving deaths or serious personal injuries), the AIB president is required to report to the location where the SIB convenes within 48 hours after appointment. See AFI 90-701, *Assistance to Families of Persons Involved in Air Force Aviation Mishaps*, for additional guidance.

2.2.2. Following accidents involving a fatality, the AIB president will proceed to the accident site no later than 48 hours after arrival of the SIB. With the approval of the convening authority, the AIB president may thereafter depart the accident site, pending receipt of Part I of the SIB Report.

2.2.3. A sample appointment letter is at Attachment 2.

2.3. When Accident Investigations are Required. In accordance with DoDI 6055.7, commanders must investigate Air Force aircraft, missile, nuclear, or space accidents in the following instances:

2.3.1. All Class A accidents, as defined in AFI 91-204.

2.3.2. There is probable high public interest.

2.3.3. All suspected cases of Friendly Fire.

2.4. Discretionary AIBs. Consider convening an AIB following an Air Force aircraft, missile, nuclear, or space accident when:

2.4.1. There is anticipated litigation for or against the Government or a Government contractor; or

2.4.2. There is anticipated disciplinary action under the UCMJ against any individual; or

2.4.3. There are damages to third parties that likely will exceed \$250,000.

(Note: DoDI 6055.7 requires a legal investigation report under the circumstances described in paragraphs 2.4.1 and 2.4.2 above. However, the required report under the DoDI may be satisfied by any non-safety report; e.g., an AIB Report, a line of duty determination, a report of survey, a law enforcement investigation, a commander's investigation, or an administrative claim investigation.)

2.4.4. Other aircraft, missile, nuclear, or space accidents may be investigated under this instruction at the discretion of the convening authority.

2.5. Accidents not requiring AIBs. There is no requirement to investigate the following accidents under this instruction:

2.5.1. Death, injury, or property damage by action of an enemy or hostile force.

2.5.2. Intentional or expected damage to Air Force equipment or property incurred during authorized testing or combat training, including missile and ordnance firing.

2.5.3. Accidents investigated by another federal agency resulting in a publicly releasable report.

2.6. Accidents Involving Air Force Reserve (AFRC) and Air National Guard (ANG) Aircraft. The gaining MAJCOM convenes AIBs for aircraft accidents involving AFRC and ANG units. AFRC and the ANG have the inherent authority to conduct accident investigations, using AFI 51-503 as a framework, for any accidents not investigated by the Air Force under this instruction.

2.6.1. When investigating an ANG aircraft accident, the convening authority will appoint an ANG technical advisor to the AIB, with the concurrence of the State Adjutant General concerned. Contact NGB-CF, at Andrews AFB, MD, for assistance, at DSN 223-4750.

2.7. Accidents Involving Air Force Members Assigned to Another Service. Should a Class A accident involve an Air Force member assigned to another military service, follow the inter-service participation guidance in DoDI 6055.7.

2.8. Funding Issues.

2.8.1. **TDY Travel.** Each command funds TDY travel of its assigned personnel who are Air Force AIB members. See AFI 65-601, Vol. I, *Budget Guidance and Procedures*, para 7.14. The convening authority funds travel costs of members from another service appointed to an Air Force AIB. However, for joint service boards, each service funds its own members' TDY.

2.8.2. The convening authority provides additional funding for AIBs, including:

2.8.2.1. Leasing of vehicles or special equipment, leased communications, transportation, and other contractual services.

2.8.2.2. Costs associated with removal and storage of wreckage.

2.8.3. The host base funds all in-house support (except billeting) even if the host base is not assigned to the convening authority's MAJCOM. In-house support includes administrative support and equipment, work areas, reproduction, and graphics.

2.8.4. The MAJCOM or ANG command that possesses the mishap aircraft is responsible for all costs associated with the crash site clean up and restoration. (The term "possession" is defined in AFI 21-103, *Equipment Inventory, Status, and Utilization Reporting*, Attachment 1, as, "the actual acceptance, operational use (utilization), or designation of responsibility for the aircraft.")

Chapter -- 3

Responsibilities

3.1. Responsibilities of the Convening Authority:

3.1.1. Convenes the investigation and issues the appointment orders of the Accident Investigation Board (AIB). See sample at Attachment 2, Figure A2.1.

3.1.2. Ensures appropriate condolence letters are sent to NOK IAW AFI 35-102, *Crisis Planning, Management and Response*; AFI 36-3002, *Casualty Services*; AFI 36-809, *Survivor Assistance*; and AFI 90-701.

3.1.3. Directs NAF commanders or MAJCOM functional staff directors to nominate qualified personnel to serve on AIBs.

3.1.4. Funds costs associated with conducting accident investigations IAW Chapter 2

3.1.5. Determines whether factual information or documents concerning the accident will be released to the public prior to completion of the investigation, under the criteria contained in Chapter 7 of this instruction.

3.1.6. Sends a letter to the NOK of deceased personnel and to seriously injured personnel explaining the status of the AIB investigation and of any planned NOK briefings. See sample at Attachment 2, Figure A2.6.

3.1.7. Approves the AIB Report. (Approval means the AIB Report meets statutory and regulatory requirements. Approval does not indicate whether the convening authority agrees or disagrees with the Statement of Opinion of the AIB president.) See sample at Attachment 2, Figure A2.7.

3.1.8. Approves the PA Release Plan.

3.2. Responsibilities of the Convening Authority's Staff Judge Advocate (SJA):

- 3.2.1. Identifies the AIB legal advisor.
- 3.2.2. Provides oversight, guidance, and assistance as necessary to the AIB throughout the accident investigation process.
- 3.2.3. Reviews the AIB Report for legal sufficiency and for compliance with this Instruction.
- 3.2.4. Prepares the Convening Authority Action and the NOK letters transmitting the AIB Report.
- 3.2.5. Seeks review and comments on the AIB Report from the convening authority's staff.
- 3.2.6. Submits the AIB Report to the convening authority for final action, with staff comments and the legal review under separate cover.
- 3.2.7. Coordinates with Public Affairs any NOK briefings and the public release of the AIB Report.
- 3.2.8. Distributes the AIB Report IAW Chapter 9.
- 3.2.9. Advises on environmental clean-up legal issues.
- 3.2.10. Serves as release authority for the AIB Report after approval by the convening authority.
- 3.2.11. Serves as MAJCOM POC IAW AFI 90-701.

3.3. Responsibilities of the AIB President:

- 3.3.1. Ensures the investigation and resulting AIB Report are thorough and that they comply with this Instruction.
- 3.3.2. Interviews all AIB members to ensure that they have not had access to privileged safety information from the antecedent safety investigation.
- 3.3.3. Requests, as necessary, the appointment of additional AIB members with technical expertise in areas, such as: medical, maintenance, air traffic control, propulsion, airframe, life support, operations, metallurgy, forensics, weather, security, and public affairs.
- 3.3.4. Coordinates all NOK, public, and media requests for investigation information with the convening authority's SJA and Public Affairs Officer.

(Note: The AIB president is responsible for channeling information to the NOK and those seriously injured regarding search and rescue, recovery of remains, salvage operations, and the status and progress of the investigation. This information flow does not typically require prior approval from the convening authority. For further details, see Chapter 7 of this Instruction and AFI 90-701.)

3.3.5. Coordinates with the on-scene-commander and the convening authority's SJA all family requests to visit the mishap site IAW AFI 90-701, *Assistance to Families of Persons Involved in air Force Aviation Mishaps*.

3.3.6. Writes the AIB Report and is solely responsible for the contents of the Report, to include the Statement of Opinion.

3.3.7. Completes the AIB Report within 30 calendar days of receipt of the complete Part I of the SIB Report, unless the convening authority authorizes an extension.

3.3.8. Briefs the convening authority and other officials regarding the investigation results, as required.

3.3.9. Serves as one of the NOK briefing officers, as necessary.

3.3.10. Responds to post-investigation inquiries and issues through the convening authority's SJA.

3.3.11. Prepares the Post Investigation Memorandum.

3.3.12. Performs additional duties as listed in AFI 90-701.

3.4. *Responsibilities of the Legal Advisor:*

3.4.1. Provides legal advice and assistance to the AIB president throughout the investigation.

3.4.2. Ensures AIB members do not have a conflict of interest that would prevent their impartial investigation of the accident.

3.4.3. Examines Part I of the SIB Report prior to review by the AIB president and members to ensure it does not contain privileged safety information. If AFI 91-204 privilege markings appear on any document, contacts the SIB president for guidance.

3.4.4. Serves as liaison between the AIB and the SJAs of the convening authority and the host base.

3.4.5. Coordinates on the early release of information.

3.4.6. Oversees collection, preservation, and disposition of evidence.

3.4.7. Participates in witness interviews to ensure the advisements and questions to the witnesses are proper.

3.4.8. Ensures no privileged, protected, or otherwise non-releasable documents or information (e.g., autopsy reports, Privacy Act information, SSNs, FOUO markings, etc.) are contained in the AIB Report.

3.4.9. Ensures the Statement of Opinion meets legal standards.

3.4.10. Reviews the AIB Report for legal sufficiency and for compliance with this Instruction.

3.5. *Responsibilities of the Host Base Commander:*

3.5.1. Appoints a host base liaison officer to assist the AIB in obtaining logistical and administrative support, as well as arranging witness interviews.

3.5.2. Provides in-house logistical and administrative support for the AIB, including office space, computer support, communications, transcription personnel and equipment, reproduction, datafax, and other administrative support.

3.5.3. Funds all in-house logistical support (even if the host base is not assigned to the investigating MAJCOM).

3.5.4. Removes, stores, and secures wreckage from the mishap site, until a release is obtained from AFLSA/JACT. See Chapter 10 of this Instruction.

3.5.5. Provides initial clean up of the mishap site.

3.6. *Responsibilities of the Host Base SJA:*

3.6.1. Assists host base liaison officer and AIB legal advisor, as necessary.

3.6.2. Assists the AIB with the appearance of civilian employees for witness interviews and coordinates their appearance with their labor union, if required.

3.6.3. Assists the AIB with the appearance of foreign nationals for witness interviews and ensures compliance with applicable international agreements.

3.6.4. Forwards requests for wreckage disposal through the convening authority's SJA to AFLSA/JACT.

3.6.5. Prepares a summary of potential claims against the Air Force if the mishap occurred within his/her claims jurisdiction.

3.7. *Responsibilities of AFLSA/JACT:*

3.7.1. Develops and coordinates policy for conducting accident investigations of aircraft, missile, nuclear, and space accidents.

3.7.2. Adjudicates tort claims and provides support to the Department of Justice in litigation involving aircraft, missile, nuclear, and space accidents, IAW AFI 51-501, *Tort Claims*.

3.7.3. Approves wreckage release on Class A accidents and oversees access to investigation evidence, after approval of the AIB Report.

Chapter -- 4

Qualifications of Accident Investigation Board (AIB) Members

4.1. General Qualifications. AIB members should not be from the wing (or equivalent organization) to which the aircraft or crewmembers were assigned. If any AIB member is from the mishap wing, then the majority of the AIB members must come from outside the mishap wing.

4.1.1. SIB members may not serve as AIB members to the same accident.

4.1.2. AIB members must not have had access to privileged safety information from the antecedent safety investigation.

4.1.3. AFRC and ANG members may be appointed by the convening authority to serve on AIBs.

4.2. AIB President. AIB presidents should be field grade officers, senior in rank to persons involved in the accident, and must come from outside the mishap wing. For Class A accidents, AIB presidents must be O-5 or above and should, if possible, be the same grade as the corresponding SIB president. For any accident involving a fatality, the AIB president must be a General Officer or Brigadier General (Select).

4.2.1. For aircraft accidents, AIB presidents should be experienced, rated officers, who are qualified and current in the aircraft involved.

4.2.1.1. If there are no officers available outside the mishap wing who meet these criteria, then the convening authority should appoint an experienced, rated officer who has previously been qualified in the accident aircraft, or who is qualified and current in a similar type of aircraft with a similar mission to that of the accident aircraft. Depending on the qualifications of the AIB president, the convening authority may appoint a rated officer, who is qualified and current in the accident aircraft, as a technical advisor. This advisor may be from the mishap wing if no other qualified and current officer is reasonably available.

4.2.2. For missile, nuclear, or space accidents, AIB presidents must have expertise and experience in the system involved.

4.2.3. AIB presidents must attend the AFSC Board President's Course prior to conducting an accident investigation.

4.2.4. Upon receipt of Part I of the SIB Report, the AIB president will be relieved of all other duties until the AIB Report is completed.

4.3. Legal Advisors. The convening authority will appoint an experienced judge advocate, normally a field grade officer. It is recommended that the legal advisor be a graduate of The Judge Advocate General Legal Advisor Course.

4.3.1. Legal advisors should come from outside the mishap wing. The legal advisor may be from the same wing as the AIB president.

4.3.2. Upon the AIB's receipt of Part I of the SIB Report, the legal advisor will be relieved of all

other duties until the AIB Report is completed.

4.4. Advisors. The convening authority appoints advisors from a variety of specialties (such as maintenance, metallurgy, personnel, medical, air traffic control, operations, and security), as necessary.

4.4.1. Technical advisors should come from outside the mishap wing.

4.5. Public Affairs Officers. Depending on the circumstances, one or more public affairs officers may be appointed to the AIB.

4.6. Safety Center Representatives. If there is no preceding safety investigation, then the convening authority may request AFSC appoint a safety center representative to the AIB.

4.7. Other Service Representatives. If an accident involves personnel or assets from another service, then the convening authority may appoint representatives from the other service.

4.8. Foreign Country Representatives. If an accident involves foreign military personnel, or if a foreign country representative serves on the preceding SIB, then the convening authority may appoint a foreign country representative to the AIB. Consult with AF/JAI at DSN 225-9631, if questions arise regarding the appropriate procedure for appointing foreign country representatives.

Chapter -- 5

Conducting Accident Investigations

5.1. Preparing for the Investigation. The AIB president should contact the convening authority's SJA for an initial briefing.

5.1.1. Review the following instructions:

5.1.1.1. AFI 51-503. *Aircraft, Missile, Nuclear, and Space Accident Investigations*, and review any MAJCOM supplement.

5.1.1.2. AFI 90-301. *Inspector General Complaints*. This provides detailed guidance for administrative investigations. Attachments 4 and 5 of AFI 90-301 contain useful information about examining witnesses, rights advisements, and handling evidence. (AFI 51-503 controls in cases where the two instructions are in conflict).

5.1.1.3. AFI 90-701. *Assistance to Families of Persons Involved in Air Force Aviation Mishaps*. This provides guidance on rendering assistance to family members of those killed in aviation accidents and defines how the AIB president forwards information to be released to the NOK.

5.1.1.4. AFI 91-204. *Safety Investigations and Reports*. This governs the safety investigation. Review this instruction as it applies to Part I of the SIB Report, which will form Tabs A -- S of the AIB Report.

5.1.1.5. AFI 37-132. *Air Force Privacy Act Program.* This implements the Privacy Act within the Air Force. Prior to publication of the AIB Report, some material gathered during the accident investigation must be redacted to protect the privacy of the individuals concerned.

5.1.1.6. AFI 31-401. *Managing the Information Security Program,* which implements AFPD 31-4, *Information Security Program,* and supplements DoDR 5200.1-R, *Information Security Program.* This describes how to protect and handle classified information and unclassified controlled nuclear information.

5.1.2. The AIB president should contact the host base liaison officer or host base installation commander to obtain work areas, equipment, and administrative support. The work area should be as convenient as possible for both the AIB and witnesses. Avoid using the base courtroom for interviews since a judicial atmosphere may intimidate witnesses.

5.1.3. The AIB president should contact the SIB president. Through the SIB president, the AIB president may:

5.1.3.1. Determine the status of search and rescue, recovery of remains, and salvage operations.

5.1.3.2. Coordinate a visit to the mishap site prior to removal of the wreckage.

5.1.3.3. Determine the status of the safety investigation and decide how to proceed with the AIB. Although the SIB president may not discuss privileged safety information, he or she may relay the facts of the accident and describe the technical reports that will be in Part I of the Safety Report.

5.1.3.4. Obtain Part I of the Safety Report. After reviewing Part I of the SIB Report, determine (with the assistance of advisors) which additional tests should be conducted (metallurgy, hydraulics, simulator, forensics, control surfaces, et cetera).

5.1.3.5. Obtain all other non-privileged materials gathered by the SIB but not included in Part I of the SIB Report. However, before the documents from the SIB are reviewed by AIB members, the legal advisor should review the documents to ensure that no privileged safety documents are contained therein. All privileged safety documents should be returned to the SIB president. Consult with the convening authority's SJA if issues arise regarding the reliability of evidence from the SIB.

5.1.3.6. Obtain a list of the SIB witnesses (with telephone numbers). Determine if the SIB has released any witnesses. Ask for notification each time the SIB releases a witness so that the witness may be promptly interviewed. Contact witnesses as soon as possible in case they are planning to depart the local area. Request the SIB President to designate which witnesses are NOK or family members of those involved in the accident.

5.1.3.7. Obtain written release of the wreckage from the SIB president for use by the AIB.

5.2. *Additional AIB Members.* The AIB president may request the convening authority to detail additional AIB members to assist with the investigation at any time. Contact the convening authority's SJA for assistance.

5.3. *Travel Orders.* The local MPF of each AIB member issues his/her orders. Orders should

authorize 60 days of travel, provide for travel to more than one location, and authorize a rental car.

5.4. Passport and Visa. If the investigation will be conducted in a foreign country, a passport and visa may be required. If so, obtain them before traveling.

5.5. Suggested Schedule. Plan to complete the accident investigation and AIB Report within 30 calendar days from receipt of the complete Part I of the SIB Report.

Figure 5.1 -- Suggested Schedule.

Week, Day	Activity
<i>Week One</i>	
Day 1	Receipt of Part I of the SIB Report. (Prior to receipt of Part I of the SIB Report, the AIB president will perform duties IAW AFI 90-701.
Day 2	Review Part I of the SIB; visit the mishap site; obtain witness list from the SIB president; begin interviews.
Day 3-7	Continue interviews; conduct testing; task AIB advisors; contact the NOK or family liaison officers (FLOs) as required.
<i>Week Two</i>	
Day 8-11	Begin write-up; plan last interviews; ensure necessary testing has been ordered; follow up on testing reports; send AIB Report Tabs to reproduction.
Day 12-14	Complete interviews and review equipment tear down reports.
<i>Week Three</i>	
Day 15	Assemble Report; monitor progress of testing; schedule reproduction of documents for inclusion in AIB Report. Prepare one original record and at least ten copies.
Day 16-20	Finalize Summary of Facts; draft Statement of Opinion.
<i>Week Four</i>	
Day 21-27	Finalize Statement of Opinion; obtain informal legal review from convening authority's SJA.
Day 27-30	Draft Executive Summary; send Summary of Facts and Statement of Opinion to reproduction. Mail original AIB Report to the convening authority's SJA by express or registered mail. Mail 10 copies of AIB Report to convening authority's SJA.

5.6. Advisors. Advisors should review Part I of the SIB Report and provide feedback to the AIB president. Advisors may provide assistance in producing the Report, including drafting and reviewing the Summary of Facts.

5.6.1. The maintenance advisor should review maintenance documentation, personnel, and supervision.

5.6.2. The medical advisor should review:

5.6.2.1. Medical qualifications of personnel involved.

5.6.2.2. Postmortem and toxicology reports. Obtain postmortem and toxicology reports from the SIB flight surgeon.

5.6.2.3. Post-accident medical examination records of survivors. If the results appear to be related to the accident, then draft a statement for Tab X, under Statements of Injury or Death.

5.6.2.4. Autopsy protocols and medical records. After the AIB Report has been approved, return the autopsy protocols to the proper custodians. Medical records should be returned to the proper custodians unless the convening authority's SJA determines they are required for adverse personnel actions.

5.6.3. The aerodynamics advisor should examine the evidence on the airframe and analyze the flight parameters.

5.6.4. The life support advisor should examine the egress system and personal and survival gear.

5.6.5. The pilot advisor should comment on what a pilot's action or reaction may or should have been under the circumstances. Also interview crewmembers who previously flew with the pilot or gave him checkrides. The pilot advisor is also charged with gathering the mishap pilot's flying paperwork history. This would include his checkride evaluation history (Form 8), flight records, and other associated paperwork.

5.7. Air Force Reserve and Air National Guard Accidents. Determine what type of duty orders applied to the crewmembers at the time of the accident. Include this information and a copy of the orders in the AIB Report at Tab T. Questions regarding the impact of the crewmember's status should be referred to the legal advisor or convening authority's SJA.

5.8. Gathering Documents. Do not gather privileged safety documents. However, the AIB may review other documents that are restricted from public release. For instance, the AIB may review information protected by the Privacy Act, the Arms Export Control Act, and the Export Administration Act of 1979. The AIB may also review classified information. While the AIB may review this protected information, do not include it in the AIB Report.

5.8.1. The AIB Report will contain factual information about the accident, including documentary and testimonial evidence, as well as photographs. Review all documents from Part I of the SIB Report to ensure they only address facts and do not draw ultimate conclusions about causation.

5.8.2. Tabs A through S of the AIB Report and Tabs A through S of the SIB Report (Part I) will be identical, except that FOUO and Limited-Use markings, SSNs, home addresses, home telephone numbers, and other protected information will be removed from the publicly releasable AIB Report. Additional information gathered by the AIB that would logically fit under Tabs A through S should be placed under a separate tab to keep Part I of the SIB Report and Tabs A through S of the AIB Report identical.

5.8.3. Gather maintenance logs, FAA bookings, flight-planning documents, and charts relating to the mishap aircraft and the mishap flight.

5.8.4. Gather the front two or three pages and relevant portions of Technical Orders (TOs) and Time Compliance Technical Orders (TCTOs). Information regarding the releasability of TOs and TCTOs is often included on the inside cover page. Review this page to determine whether the publication may be included in the Report. Note: Maintenance documents, including Flight Manuals, Maintenance Manuals, TOs, and TCTOs may be subject to the Arms Export Control Act or the Export Administration Act of 1979. Obtain approval from the Technical Content Manager before including extracts of these publications in the AIB Report. Include the approval from the Technical Content Manager in the AIB Report.

5.8.5. Gather relevant portions of regulations, including Air Force and FAA regulations. Also copy the front page of these documents for inclusion in the Report.

5.8.6. Obtain and review all relevant medical evidence, including medical records, autopsy protocols, X-rays, and toxicology reports. Because of privacy concerns, some of these documents may not be included in the AIB Report. Nonetheless, they should be reviewed.

5.8.7. *Original Documents.* The original AIB Report should contain original documents if possible. However, some documents, such as medical and personnel records, must be returned to their custodians after the AIB Report is approved. If originals are not included in the Report, then annotate the location of the originals in the Post Investigation Memorandum.

5.8.8. *Redactions and Explanatory Remarks.* Do not make redactions or add explanatory remarks to original documents. Rather, make alterations on photocopies. Return the original to the proper custodian or forward the original to the convening authority's SJA with the Post Investigation Memorandum. Use "white-out" to make redactions.

5.8.9. Retain videocassette recordings, audio recordings of witness interviews, photographs, and negatives for forwarding to the convening authority's SJA with the Post Investigation Memorandum. Original Air Traffic Control (ATC) tapes are retained for two years by the Airfield Operations Flight (AOF) commander IAW AFI 13-203, *Air Traffic Control*, Chapter 11. Obtain a certified copy (IAW AFI 51-301, *Civil Litigation*, Chapter 8) on cassette tape of relevant portions of the ATC tapes.

5.9. *Cockpit Voice Recordings (CVR) and Heads-Up Display (HUD) Tapes.* CVR and HUD tapes are reviewed by the AIB but the tapes are not releasable to the public. However, CVR and HUD transcripts are publicly releasable and may be included in the AIB Report.

5.9.1. Requests from family members to listen to the tapes will be forwarded through the convening authority's SJA to AFLSA/JACT, to be considered under Privacy Act criteria in coordination with

AF/JAG.

5.9.2. The CVR and HUD transcripts may be redacted to remove non-relevant conversations and to protect privacy interests or otherwise privileged information.

5.9.3. Upon completion of the investigation, CVR and HUD tapes are forwarded to Tinker AFB IAW Chapter 10.

5.10. *Classified Information.* The AIB may review classified information as needed in order to determine the cause of the accident. However, the AIB Report should contain no classified information.

5.10.1. If classified documents are absolutely essential to support the statement of opinion, then include the classified testimony, documents, and information in a separate classified addendum. This allows the unclassified portion of the Report to be publicly released without redacting text.

5.10.2. Even though portions of an individual's testimony may be classified, it is not necessary to include the entire testimony in the classified addendum. Rather, include as much unclassified testimony as possible in the unclassified portion of the Report.

Chapter -- 6

Interviewing Witnesses

6.1. *General Considerations.*

6.1.1. The SIB will provide a witness list. The AIB is not restricted to interviewing only those witnesses interviewed by the SIB.

6.1.2. Consider the most appropriate order to interview witnesses. You may wish to save key witnesses for last. Alternatively, you may consider interviewing key witnesses twice, at the outset, and then after other witnesses have developed the background of the case.

6.1.3. Do not offer promises of confidentiality to witnesses.

6.1.4. Air Force military and civilian members must appear when called and must testify under oath or affirmation. They may not refuse to answer questions simply because their answers may adversely affect another person. However, they may refuse to answer questions to prevent self-incrimination.

6.1.5. Swear in or affirm witnesses prior to initiating questioning.

6.1.6. Do not permit witnesses to talk with their hands, since this cannot be transcribed. Similarly, ask the witnesses to answer "yes" or "no" rather than nodding their heads or responding "uh-huh." If witnesses testify using a diagram, ask them to mark or place numbers where events or actions occurred. Attach the document to the witness' statement in the Report. If witnesses describe distances with their hands, translate the distance for the record, e. g., "for the record, the witness is holding his hands approximately three feet apart."

6.1.7. Avoid acronyms or technical jargon since they may not be understood by the public reading the Report. If acronyms and technical jargon are unavoidable, then define them for the record.

6.2. *Administrative Matters.*

6.2.1. The host base liaison officer will arrange for witnesses to appear at the designated times and location.

6.2.2. If a witness is suspected of a crime and is already represented by an attorney, contact the attorney prior to interviewing the witness about the suspected misconduct.

6.2.3. You may ask witnesses to bring documents or other items to the interview.

6.2.4. Record witness testimony and, if the testimony is valuable, have it transcribed in its entirety. However, if only a small portion is valuable, or if exact words are not important, then consider summarizing the testimony. After summarizing the testimony, the witness should sign it as soon as possible. A recommended format for summarizing testimony is presented at the end of this chapter, Figure 6.1.

6.2.5. While "on the record," do not ask for social security numbers, home addresses, home telephone numbers, or other protected information.

6.2.6. Ask the individual who will transcribe the interviews to ensure the suitability and quality of the recording equipment.

6.2.7. Package and label all audiotapes, stenographer notes, and any items used to record witness testimony. Send these items to the convening authority's SJA for storage after the AIB Report is approved.

6.3. *Classified Information.* Witnesses, advisors, and reporters or stenographers must be properly cleared before they are given access to classified information. Remind these individuals that AFD 31-4 applies regarding the safeguarding of classified information. Conduct two interviews with witnesses who will discuss classified information; an unclassified interview and a classified interview. The unclassified interview can be included in the publicly releasable Report. The classified interview should be included in a separate, classified addendum to the Report. If a classified interview does not yield relevant information, then do not transcribe the interview.

6.4. *Persons Attending Interviews.*

6.4.1. The Legal Advisor should be present during all witness interviews to ensure that proper procedures are followed in questioning witnesses and advising them of their rights.

6.4.2. Consider seeking the attendance of technical advisors when technical matters will be discussed. Technical advisors may assist in formulating questions. Additionally, advisors may ask questions, provided they are identified on the tape or transcript.

6.4.3. Attorneys may be present if their clients are suspected of crimes.

6.5. Speculation. Do not ask witnesses to speculate or guess. If experts provide opinions within their area of expertise, ask for the basis of their opinions. Do not ask witnesses for their opinions on the ultimate cause(s) of the crash.

6.6. SIB Considerations.

6.6.1. Witnesses shall not testify before an AIB until the SIB president releases them.

6.6.2. Prior to beginning the recorded interview, explain to the witness the differences between safety investigations and accident investigations.

6.6.3. Do not let a witnesses disclose what they told the SIB. For instance, witnesses should not preface their answers with comments such as: "like I told the safety board. "Do not permit such witnesses to complete their response. AIB members should not know what information is contained in the privileged portion (Part II) of the SIB Report.

6.6.4. Witnesses may provide the same factual information to both safety and accident investigators, but the accident investigators must obtain their information through independent questioning.

6.7. Testimony of Absent Witnesses. If you are unable to interview a witness in person, then a telephone interview may be conducted. If the interview will be recorded, inform all parties of this fact. They must consent to being recorded. Witnesses may be sworn by a judge advocate present with the witness during the interview. The judge advocate can also provide positive identification of the witness.

6.8. Air Force Civilian Witnesses. Consult with the local SJA and a labor relations officer for guidance prior to interviewing bargaining unit members.

6.8.1. You may ask employees whether they are represented by a local bargaining unit. However, do not ask employees whether they are union members as this question violates their rights.

6.8.2. Union Participation. If a civilian employee is a member of a certified bargaining unit represented by a labor organization, a union official or steward may be present during the interview if the interview constitutes a disciplinary examination or a formal discussion. During a disciplinary examination, the employee may have a right to have a union representative present. During a formal discussion, the union may have a right to have a union representative present.

6.8.2.1. Disciplinary Examinations. If a civilian employee who is a member of a certified bargaining unit represented by a labor organization (1) reasonably believes that he or she might be disciplined as a result of an interview; and (2) he or she requests union representation, then the employee is entitled to have a union official or steward present during the interview. This right is found in Title 5, United States Code, Section 7114(a)(2)(B) and is frequently referred to as an employee's "Weingarten" rights, after the Supreme Court decision in *National Labor Relations Board v. Weingarten, Inc.*, 420 U.S. 251 (1975). If a bargaining unit member requests union representation, the individual conducting the interview should consult with the local SJA. The interviewer's options are: (1) grant the request; (2) discontinue the interview; or (3) offer the employee the choice between continuing the interview unaccompanied by a union representative or having no interview at all.

6.8.2.1.1. The right to the presence of a union representative at a disciplinary examination is the employee's right, not the union's right. If the employee does not ask for a union representative, then the union has no right to demand that a representative be present. The right exists for all federal civilian employees who are members of a bargaining unit, whether they are members of the union or not.

6.8.2.1.2. The Civil Service Reform Act does not require an employee to be notified of the right to representation prior to each interview. Rather, the Act requires management to annually inform its employees of this right. However, some local union contracts stipulate that management officials of an installation have agreed to provide notice before each interview. Exercise caution when interviewing federal employees to ensure there are no violations of the terms of a local contract.

6.8.2.2. *Formal Discussions.* Union officials have an independent right to be present at formal discussions between agency representatives and one or more members of a certified bargaining unit. This right is found at Title 5, United States Code, Section 7114 (a)(2)(A). Unions have a right to be given notice of the formal discussions and an opportunity to be present. Investigatory interviews are, in most circumstances, formal discussions.

6.8.2.3. The basic rules that apply to the union representative in an interview are the same as those for legal counsel; namely, they may advise the employee but generally may not ask or answer questions. An individual may have both a union representative and legal counsel present during an interview.

6.9. *Interviewing Contractor Witnesses.* When interviewing employees of DoD contractors, you may choose to have a contract management representative present. The management representative may be able to help obtain company records and determine company policies. This representative may also help if the employee contends that rights under a labor management agreement have been abridged. When interviewing non-DoD employees, the witness may be accompanied by representatives as he/she chooses.

6.10. *Witness Introduction:* The following witness introduction shall be used for all interviews: My name is _____. I am/We are investigating the aircraft/missile, nuclear device/space vehicle accident that occurred on _____, near _____. This investigation is separate and apart from the safety investigation conducted under AFI 91-204. The purpose of this investigation is to gather and preserve evidence for use in claims, litigation, disciplinary actions, adverse administrative proceedings, and for all other purposes. A safety investigation is also being conducted on the accident. Any testimony you gave before the safety investigation board will be kept confidential, if you were so advised, and can be used only for accident prevention purposes. However, your testimony to me/us may be used for any proper purpose. Additionally, your testimony can be released to the public. Do you understand the difference between the safety investigation and this accident investigation?

6.11. *Oath.* The following oath shall be administered before questioning a witness: Do you solemnly swear/affirm that the testimony you are about to give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth, (so help you God)? Note: If a witness chooses to affirm, delete the phrase "so help you God" when administering the oath.

6.12. *Recorded Preamble.* The witness introduction and oath/affirmation shall be recorded. After swearing the witness, the interviewer will identify the date, time, place of interview, persons present,

and state that the witness has been sworn. Then the witness will be asked for their full name, rank, job title, DSN phone number, and present duty assignment and location. Do not solicit Social Security numbers, home addresses, or home telephone numbers.

6.13. *Advisement of Rights, Generally.*

6.13.1. UCMJ, Articles 31(a) and (c) provide that no persons subject to the UCMJ may be compelled to incriminate themselves. The Fifth Amendment to the Constitution provides similar rights to civilians.

6.13.2. Determine the duty status of ANG or Air Force Reserve personnel prior to the interviews to determine whether UCMJ or Fifth Amendment rights apply.

6.13.3. Witnesses may seek to have their attorneys present during interviews. A suspect is entitled to have an attorney present during the interview. However, the attorney is generally not permitted to ask or answer questions. He or she may only advise their client.

6.13.4. Witnesses who have invoked their rights against self-incrimination may request to respond to written questions rather than to interviews. There is no prohibition against written questions; however, it is not necessarily recommended since it will delay the investigation process if such requests are granted.

6.13.5. Witnesses should be interviewed even if you expect they will invoke their right not to testify against themselves. It is important to initiate the interview so that their claim of privilege under Article 31 of the UCMJ or the Fifth Amendment will be a matter of record.

6.13.6. If you believe an Air Force military or civilian member has improperly invoked Article 31 or their Fifth Amendment rights, and the witness refuses to answer questions, refer the matter to the commander or appropriate supervisor. The witness may be directed to answer if the invocation of Article 31 or Fifth Amendment rights is not valid. (Note: in order to prevent the possibility of inadvertently immunizing the witness, consult with the legal advisor or the local SJA before such a witness is directed to testify.)

6.14. *Advisement of Rights of Civilians.* If prior to questioning, or during questioning, you come to suspect a civilian witness of a criminal offense, halt the interview and contact the local SJA. The OSI or the FBI may be called in to assist with the criminal investigation.

6.14.1. If, after consulting the local SJA, you decide to interview a civilian suspect, then it is recommended that the following rights advisement precede any questioning: I/We have reason to suspect you of the alleged offense or offenses of _____. I advise you that under the Fifth Amendment to the Constitution, you have the right to remain silent, that is, to say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial or in other judicial or administrative proceedings. You have the right to consult with a lawyer, if you desire, and to have a lawyer present during this interview. You may obtain a civilian lawyer of your own choosing at your own expense. If you cannot afford a lawyer, the military will give you reasonable assistance in finding one. However, the military will not provide you with a lawyer. You may request a lawyer at any time during this interview, and if you decide to answer questions without a lawyer present, you may stop the questioning at any time. Do you understand your rights? Do you wish to remain silent or will you answer my questions? Do you want a lawyer?

6.14.2. If a civilian suspect testifies under oath, then the following statement should appear immediately before the individual's testimony: Having been duly sworn and advised of the allegations, of his (or her) rights under the Fifth Amendment to the Constitution of the United States, of his (or her) rights to counsel, and having acknowledged his (or her) understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:

6.15. *Advisement of Rights of Military Members.* If prior to questioning you suspect a military witness of a criminal offense, then a rights advisement must precede any questioning. If, at any time during an interview, you come to suspect a military witness of a criminal offense, then a rights advisement must precede any further questioning.

6.15.1. Whenever a military witness requests a lawyer, stop questioning and refer the request to the local Area Defense Counsel (ADC), or, if no local ADC exists, to the supporting SJA. After the witness has consulted with his attorney, contact the attorney to determine if the witness is willing to testify. Prior to resuming the interview, reaccomplish the rights advisement.

6.15.2. If at any time, you suspect a military member of a criminal offense, provide the following rights advisement: I/We have reason to suspect you of the alleged offense or offenses of _____. I advise you that under the provisions of Article 31 of the Uniform Code of Military Justice, you have the right to remain silent, that is, to say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by court-martial, or in other judicial or administrative proceedings. You have the right to consult with a lawyer, if you desire, and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions without a lawyer present, you may stop the questioning at any time. Do you understand your rights? Do you wish to remain silent or will you answer my questions? Do you want a lawyer?

6.15.3. If a military member is suspected of an offense and testifies under oath, the following statement should appear immediately before the individual's testimony: Having been duly sworn and advised of the allegations, of his (or her) rights under Article 31, Uniform Code of Military Justice, of his (or her) rights to counsel, and having acknowledged his (or her) understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:

6.16. *Completion of the Interview.*

6.16.1. When finished, remind the witnesses of the official nature of the interview and direct them not to discuss their testimony with anyone without your permission, or until the AIB Report has been officially released to the public.

6.16.2. Expect to recall some witnesses. Subsequent testimony from other witnesses may cause you to seek clarification of previous testimony. For this reason, consider retaining witnesses in the local area until they are no longer needed for further interviews.

6.17. *Verbatim or Summarized Testimony.* Preserve testimony of all the witnesses. Testimony can be transcribed verbatim or included in the Report in the form of summarized statements signed by the witnesses. If you elect to summarize statements, then thorough notes must be taken to write a coherent, accurate summary. After the statement is summarized, the witness must sign their statement

(in person or by mail).

6.17.1. If a witness declines to sign a summarized statement on the grounds that it doesn't accurately reflect his or her testimony, review any tape recordings and notes with the witness and reach an agreement on what the witness said or intended. It is important the witness concurs with the summarized statement of his or her testimony, especially if it concerns a material fact. The Report will be seriously flawed if it contains purported testimony that is later denied or contradicted by the witness. All notes, disks, and tapes of interviews will be forwarded to the convening authority's SJA with the Post Investigation Memorandum.

6.18. Format for Witness Statements. Witness statements are included in Tab V of the AIB Report. Double space between questions. Number all questions and answers (Q1/A1, Q2/A2, etc.) Paginate all testimony (V-1 for first witness, V-2 for second witness, V-3 for third witness, etc.). Internally paginate the testimony of each witness (V-1.1, V-1.2, V-1.3, V-2.1, V-2.2, etc.)

	<i>Summarized Statement of Captain Joe Witness</i>
I, Captain Joe Witness, 12th Operational Support Squadron, after being place under oath, hereby state that: (summary of important points, what was seen or known or heard by this witness that is important to determining the cause of the accident, or bears on the qualifications, training, skills, etc., of the aircrew, maintenance, controllers, etc.)	
Signature block of witness	
Signed and sworn before me this _____ day of _____ 19__	
Interviewing Officer's Name	
Accident Investigation Board Member	

Figure 6.1. -- Recommended Format for Preserving Summarized Testimony.

Chapter -- 7

Releasing Information

7.1. Generally. Conducting a complete, timely, and thorough investigation is a high priority for the Air Force, NOK families, and the public. Procedures and policy for releasing information will be IAW 10 U.S.C.2254 and AFI 90-701.

7.1.1. Unauthorized Disclosure of Mishap Information. Unauthorized disclosure of information or documents during the investigation compromises the integrity of the AIB process.

7.1.2. Specific Prohibition. Prior to the official public release of the AIB Report, AIB members, witnesses, and other personnel who have been given or have obtained access to accident information are prohibited from disclosing that information or the contents of the Report for other than official

purposes.

7.1.2.1. Failure to observe the prohibition in paragraph 7.1.2 by active duty Air Force members, USAFR members on active duty or inactive duty for training, and ANG members in Federal service, is a violation of Article 92, Uniform Code of Military Justice (UCMJ). Violations by civilian employees may result in administrative disciplinary actions without regard to otherwise applicable criminal or civil sanctions for violations of related laws.

7.2. *Early Release of Factual Information.* Under limited circumstances, prior to completion of the AIB Report, the convening authority shall, IAW 10 U.S.C.2254, authorize the public disclosure of unclassified tapes, scientific reports, and other factual information regarding the accident.

7.2.1. The convening authority may delegate this responsibility to the vice-commander.

7.2.2. IAW 10 U.S.C.2254, early release of factual information shall occur if:

7.2.2.1. The information is requested; and

7.2.2.2. The information will be included in the releasable AIB Report; and

7.2.2.3. The release of such information will not undermine the ability of safety or accident investigators to continue to conduct the investigation; and

7.2.2.4. The release of such information will not compromise national security.

7.2.3. The limitations of 10 U.S.C.2254 do not apply to information regarding the status of search and rescue, recovery of remains, salvage operations, or the progress of the investigation. If there is any question regarding whether the approval requirements of 10 U.S.C.2254 apply, then seek guidance from the convening authority's SJA.

7.2.4. Coordinate early release of information with Public Affairs and the convening authority's SJA. In high-interest mishaps, as defined in paragraph 9.4.1, also comply with paragraph 7.4.

7.2.5. Early release of information may require prior notification to the NOK, IAW AFI 90-701, to keep them apprised of accident information before it is disclosed to the public.

7.3. *Status Information:* Search and Rescue, Recovery of Remains, Salvage, and Progress of the Investigation. Depending upon the circumstances, it may be important to keep NOK, seriously injured personnel, and the public apprised of the status of search and rescue, recovery of remains, salvage operations, and the progress of the investigation.

7.3.1. The AIB president is responsible for the release of status information from the investigations.

7.3.2. Releasing status information does not require prior approval from the convening authority. However, in high-interest mishaps, as defined in paragraph 9.4.1, comply with paragraph 7.4 prior to releasing the information to the NOK, seriously injured personnel, or the public. This requirement does not apply to initial reports concerning either progress of search and rescue efforts or recovery of remains.

7.3.3. Releasing status information to the NOK often results in public release of the information. Therefore, coordinate release of status information with the convening authority's Public Affairs and SJA.

7.3.4. In order to relay status information, a number of approaches may be taken. For instance:

7.3.4.1. The AIB president may make direct contact with the NOK by letter, phone, fax, or e-mail.

7.3.4.2. Family Liaison Officers (FLOs), from the mishap unit may be appointed to channel status information from the AIB president to the NOK.

7.3.4.3. Conference phone calls with the NOK may be made on a regular basis.

7.3.4.4. A web site may be created.

7.3.4.5. A press conference or press release may be made.

7.4. High-Interest Mishaps. The convening authority must directly inform AF/CV by telephone, e-mail, or datafax at least two working days prior to the public release of factual information or status reports involving high-interest mishaps, as defined in paragraph 9.4.1 of this investigation. The convening authority's SJA will forward the same information by e-mail or datafax to AFLSA/JACT for immediate distribution to the Air Staff and Secretariat.

Chapter -- 8

AIB Report

8.1. "For Official Use Only" Markings. Redact "For Official Use Only" markings from all documents that are included in the AIB Report. Before redacting the markings, ensure the document is publicly releasable. The SIB president can authorize removal of such markings that were generated pursuant to the safety investigation. For guidance concerning removal of FOUO markings see AFI 37-131, *Air Force Freedom of Information Act Program*.

8.2. Assembling the Report. Assemble the completed report on 8 ¾" x 11" paper, secured at the top. Do not use three ring binders. The Executive Summary, Summary of Facts, and the Statement of Opinion shall be printed on one side. The remainder of the Report may be double sided. Since the Report is secured at the top, ensure that all double-sided copies are printed head to foot.

8.3. Publicly Releasable Report. Only publicly releasable information should be included in the AIB Report. If questions arise regarding releasability, contact the convening authority's SJA, AFLSA/JACT, or HQ AFSC/JA. Do not include the following items in the Report:

8.3.1. Recommendations or suggested corrective actions.

8.3.2. Original personnel, training, medical, or flight records of mishap personnel.

8.3.3. Original tape recordings of radio communications with Air Force or FAA air traffic control.

8.3.4. Privileged safety information.

8.3.5. Contractor proprietary data.

8.3.6. Any document that includes graphic description of injuries, including autopsy protocols, medical records, human remains scatter diagrams, and photographs portraying any portion of human remains.

8.3.7. Information protected by the Privacy Act (5 U.S.C.552(a)). Redact social security numbers, birth dates, ages, home addresses, and home telephone numbers that appear on documents. See AFI 37-132.

8.3.8. Information protected by the Arms Export Control Act (22 U.S.C.2751, et seq.) and Export Administration Act of 1979, as amended (50 U.S.C., app. 2401, et seq.) Note: the Arms Export Control Act and the Export Administration Act of 1979 apply to many technical orders (TOs), time compliance technical orders (TCTOs) and flight manuals. Seek clearance from the release authority (annotated near the front page of the document) before including these documents in the AIB Report.

8.3.9. Any document that estimates or gives monetary damage amounts of potential or actual third-party claims against the government.

8.4. *Organization.* Assemble the AIB Report as follows:

8.4.1. Cover Sheet.

8.4.2. Executive Summary.

8.4.3. Summary of Facts.

8.4.4. Statement of Opinion.

8.4.5. Index of Tabs.

8.4.6. Tabs (supporting documentation and witness interviews).

8.5. *Executive Summary.*

8.5.1. The Executive Summary should be one page (single spaced). It should provide the following items:

8.5.1.1. Date, time, and location of the accident.

8.5.1.2. Identification of the aircraft by type and tail number, unit and location.

8.5.1.3. Brief summary of the events leading up to the accident.

8.5.1.4. Number of injuries/deaths, both military and civilian.

8.5.1.5. General description of damage to aircraft and other property damage.

8.5.1.6. Abbreviated Statement of Opinion on the cause of the accident or factors that substantially contributed to the accident.

8.5.2. Include the following statement, verbatim, at the end of the Executive Summary: "Under 10 U.S.C.2254(d), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in any civil or criminal proceeding arising from an aircraft accident, nor may such information be considered an admission of liability by the United States or by any person referred to in those conclusions or statements."

8.6. *Summary of Facts.*

8.6.1. *General Considerations.*

8.6.1.1. The Summary of Facts presents a thorough discussion of the facts relevant to the accident in a narrative style. Define all terms and try to avoid acronyms -- anticipate the audience will not have a technical background.

8.6.1.2. The proper length of the Summary varies with each accident. Given the different types of possible accidents and the varying amounts of information available, there is no standard length for the Summary.

8.6.1.3. Copy the Summary of Facts onto single-sided pages.

8.6.1.4. Of paramount importance is the requirement that the Summary is fully supported by documentary evidence in the Report and that any opinions regarding the cause of the accident are only placed in the Statement of Opinion.

8.6.1.5. The Summary should be self-contained. A reader should not need to refer to any other documents to understand the complete story of the accident. Include the date of the accident, precise location, type and serial number of the aircraft, unit and location, names of crewmembers and passengers. Do not use acronyms without explanation, no matter how well known they are within the Air Force. Members of the public must understand the Summary, standing alone.

8.6.1.6. Follow each fact stated in the Summary by a parenthetical reference to source documents within the Report. For example: Several witnesses observed lightning strikes just before the accident (Tabs V-1.6, V-4.9, V-5.16). Air Weather Service reports indicated severe thunderstorms in the area at the time (Tab W-3).

8.6.2. *Summary of Facts Outline.* The following outline will be used in constructing the Summary of Facts. Each paragraph should be addressed, even if simply to state, "not applicable." Paragraphs may be added to address additional issues.

8.6.2.1. *Item #1. Authority, Purpose, and Circumstances*

8.6.2.1.1. Authority. Reference authority for conducting the investigation including: AFI 51-503, the convening authority, and letters/orders appointing the AIB members. List all the members of the AIB.

8.6.2.1.2. Purpose. The purpose will typically be to determine the relevant facts and circumstances of the accident and to determine the cause or causes. The AIB will gather and preserve evidence for claims, litigation, disciplinary and administrative action, and for all other purposes deemed appropriate by competent authority.

8.6.2.1.3. Circumstances. Briefly describe the overall nature of the mission.

8.6.2.2. Item # 2. Accident Summary

8.6.2.2.1. A brief summary similar to the Executive Summary is appropriate. List fatalities and provide numbers of casualties. Generally describe both military and civilian property damage. Identify which command fielded questions about the accident. Describe media interest, if any. Do not describe the causes of the crash (save this for the Statement of Opinion).

8.6.2.3. Item #3. Background

8.6.2.3.1. Describe the various units, agencies, programs, resources, procedures, and mission tasking that are important to understanding the accident.

8.6.2.4. Item #4. Sequence Of Events

8.6.2.4.1. Mission. Describe the mission or purpose of the accident aircraft or missile. Identify the authority that authorized the mission.

8.6.2.4.2. Planning. Discuss adequacy of mission planning and whether standard procedures were utilized. Identify the briefing officer and the briefing guide that was used. Note whether squadron supervisory personnel attended the briefing. Comment on the thoroughness of the briefing and whether the mission was fully understood by the crew.

8.6.2.4.3. Preflight. Describe crew assembly, NOTAMs, flight plans, and step and engine start procedures.

8.6.2.4.4. Summary of Accident. Describe the accident flight, including taxi, takeoff, departure time, any relevant weather that was encountered, flight parameters and route, Air Traffic Control assistance, communications, terrain encountered, and navigation.

8.6.2.4.5. Impact. Describe the impact location, time, effects, and aircraft configuration and flight parameters.

8.6.2.4.6. Life Support Equipment, Egress and Survival. Describe the ejection sequence and whether it was accomplished within the performance envelope of the system. Note any deficiency found or suspected in the egress system and the survival equipment. Describe the inspection currency and effectiveness of survival equipment. Describe the operation of the crash position indicator.

8.6.2.4.7. Search and Rescue (SAR). Describe SAR assets and the rescue operations. Indicate the

time of crash and the time and origin of the first rescue call. Identify the unit responding to the call and the time it found the injured, fatalities, and wreckage. Describe the sequence of events from the time the initial rescue call was received. List equipment sent to the crash site. Explain any delays between the time the accident was discovered, the rescue call, and the time the rescue team left for the crash site. Identify difficulties experienced in the rescue effort, such as: weather, time of day, topography, or civilians at the crash scene.

8.6.2.4.8. Recovery of Remains. Describe the recovery operation and the processing of personal effects. Identify the unit that handled mortuary affairs.

8.6.2.5. Item #5. Maintenance

Note: Maintenance documents, including Flight Manuals, Maintenance Manuals, TOs, and TCTOs may be subject to the Arms Export Control Act or the Export Administration Act of 1979. Obtain approval from the Technical Content Manager before including extracts of these publications in the AIB Report. Include the approval from the Technical Content Manager in the AIB Report.

8.6.2.5.1. Forms Documentation. Describe relevant form annotations, including Aircraft AFTO Form 781 and missile maintenance logs that may relate to the accident. Indicate discrepancies, if any. Note the status of all Time Compliance Technical Orders (TCTO) which may relate to the accident. Report whether historical records reveal any recurring maintenance problems.

8.6.2.5.2. Inspections. Indicate the status of all scheduled inspections, including whether satisfactorily completed. Note discrepancies and assess responsibility for any discrepancies.

8.6.2.5.3. Maintenance Procedures. Report any maintenance procedure, practice, or performance that appears related to the accident, including work completed by civilian contractors.

8.6.2.5.4. Maintenance Personnel and Supervision. Identify all personnel, units, and commercial entities that serviced or maintained any of the systems that may have been a factor in the accident. Review preflight servicing of aircraft, paying attention to the quality of supervision provided to aircraft maintenance personnel, as well as to their performance. Determine if maintenance personnel had adequate training and experience to complete assigned tasks by reviewing:

8.6.2.5.4.1. AF Form 623, Individual Training Record.

8.6.2.5.4.2. AF Form 797, Job Qualification Standard Continuation/Command JQS.

8.6.2.5.4.3. Staff progress records.

8.6.2.5.4.4. Staff certifications.

8.6.2.5.5. Fuel, Hydraulic, and Oil Inspection Analyses. Report status of fluid analysis records. Determine if pre-and post-accident fluid analyses were taken and note discrepancies. Review fluid test report data for normalcy.

8.6.2.5.6. *Unscheduled Maintenance.* Report unscheduled maintenance performed since completion of the last scheduled inspection. Describe the work performed, noting any relationship between the unscheduled maintenance and the accident. Note any expendables or other items replaced, repaired, tested, or overhauled. List agencies, dates and places where removal, installation, benchcheck/testing, repair, and overhaul were completed.

8.6.2.6. Item # 6. *Aircraft and Airframe, Missile, or Space Vehicle Systems*

8.6.2.6.1. Describe the condition of the various structures and systems as they were found after the accident. Relevant structures and systems may include: control surfaces, engines, navigational systems, instruments, warning systems, fuel, lubrication, electrical, hydraulic, pneumatic, avionics, communications, and environmental control. Review the maintenance history of the components and the results of any teardown analyses that were conducted. Identify manufacturers or vendors of all components, accessory systems, or products that may be linked to the cause of the accident.

8.6.2.6.2. Identify any repair station involved in overhauling, repairing, bench checking, or testing any components, accessory systems, or units suspected of failure. Determine whether the Federal Aviation Administration approved or certified that station, if applicable.

8.6.2.6.3. Discuss whether required aircraft equipment was functioning adequately.

8.6.2.6.4. *Testing.* Review the reports of the components and accessories of systems that were tested or submitted for teardown analysis. State the nature of teardown analyses. State the organization that provided each analysis.

8.6.2.7. Item #7. *Weather*

8.6.2.7.1. *Forecast Weather.* Describe the forecast weather for the date of the accident, including precipitation, cloud cover at various altitudes, and visibility.

8.6.2.7.2. *Observed Weather.* Describe the observed weather and any inflight weather reports that the crew passed or received. Describe the post-accident weather.

8.6.2.7.3. *Space Environment.* For space systems, discuss relevant observed and forecast space environmental conditions, including radiation environment and geomagnetic field.

8.6.2.7.4. *Conclusions.* Discuss whether operations were being conducted and/or systems being operated within their prescribed operational weather limitations.

8.6.2.8. Item #8. *Crew Qualifications*

8.6.2.8.1. Describe the training each crewmember completed, noting any deficiencies. Present this information chronologically. Assess crewmembers' training currency, performance, experience level, and overall qualifications.

8.6.2.8.2. Summarize the experience of each flying officer involved in the accident by hours of flying time and include a 30-60-90 day breakdown.

8.6.2.9. Item #9. Medical

8.6.2.9.1. Qualifications. State whether crewmembers were medically qualified for flight or missile alert duty at the time of accident.

8.6.2.9.2. Health. Review post-accident medical examination records of survivors and state whether any results appear related to the accident.

8.6.2.9.3. Pathology. Review autopsy reports and generally state the causes of death. Do not include the autopsies in the AIB report. In describing deceased individuals, remain acutely aware of the sensitivities of surviving family members. Review and discuss postmortem toxicology reports.

8.6.2.9.4. Lifestyle. Discuss whether there were any indications of unusual habits, behavior, or stress of the crew or maintainers that can be linked to the accident.

8.6.2.9.5. Crew Rest and Crew Duty Time. Discuss crew rest and crew duty time requirements and whether those requirements were met.

8.6.2.10. Item #10. Operations and Supervision

8.6.2.10.1. Operations. Discuss the operations tempo and the experience level of relevant units.

8.6.2.10.2. Supervision. Discuss the oversight of the mission.

8.6.2.11. Item #11. Human Factors Analysis

8.6.2.11.1. Discuss any perceived crew or maintainer complacency, overconfidence, undermotivation, overmotivation to succeed, distraction, disruption, pressure, channelized attention, uncharacteristic mistake, or other degradation that may have led to the accident.

8.6.2.12. Item #12. Governing Directives and Publications

8.6.2.12.1. List all directives and publications that apply to the mission.

8.6.2.12.2. State any known or suspected deviations from directives or publications by crew members or others involved in the mission, giving specific paragraph references in each directive or publication.

8.6.2.13. Item # 13. News Media Involvement

8.6.2.13.1. Describe initial queries and reports, press conferences, releases of information, and media visits to the crash site.

8.6.2.14. Item # 14. Additional Areas of Concern

8.6.2.14.1. Additional areas of concern that may need to be considered include: NAVAIDs and facilities, VFR and IFR procedures, and electromagnetic environmental effects (E3). E3 analysis

focuses on geophysical, weather, and radio frequency (RF) transmitter characteristics to determine possible contributions due to:

8.6.2.14.1.1. RF propagation anomalies (NAVAIDs, SAR, communications).

8.6.2.14.1.2. External electromagnetic Interference (EMI).

8.6.2.14.1.2.1. Uprange/Downrange radionavigation signals other than the desired signal.

8.6.2.14.1.2.2. Electromagnetic effects from nearby lightning discharges.

8.6.2.14.1.2.3. Military electronic warfare (EW) operations.

8.6.2.14.1.2.4. Environmental transmitter spurious emissions.

8.6.2.14.1.2.5. Alias radionavigation signals or meaconing.

8.6.2.14.1.3. Internal EMI.

8.6.2.14.1.3.1. Personal portable electronic devices used on board.

8.6.2.14.1.3.2. Untested avionics upgrades.

8.6.2.15. *Item # 15. Signature and Date*

8.6.2.15.1. Date and sign the Summary of Facts as "President, Accident Investigation Board."

8.7. Statement of Opinion. One of the primary objectives of the accident investigation is to formulate a Statement of Opinion as required by 10 U.S.C.2254. The Opinion will be publicly released along with the rest of the AIB Report. The Opinion must be clear, complete, and concise; it should reference specific facts supporting its conclusions.

8.7.1. The Statement of Opinion presents the AIB president's personal opinion regarding the cause or causes of the accident; or if the evidence surrounding the accident is not sufficient to come to an opinion as to the cause or causes of the accident, it provides a description of those factors, if any, that substantially contributed to or caused the accident.

8.7.2. Liability and Litigation. The Opinion cannot be considered an admission of liability by the United States or of any person referred to therein. The Opinion may not be considered as evidence in any civil or criminal proceeding arising from the aircraft accident.

8.7.3. Standard of Proof. Only provide an opinion regarding the cause or causes of the accident if clear and convincing evidence supports the opinion. Clear and convincing evidence enables the accident investigator to reach a conclusion without serious or substantial doubt. In other words, the opinion must be supported by evidence that shows it is highly probable that the conclusion is correct. Consult with the legal advisor to determine if the available evidence meets the clear and convincing standard.

8.7.3.1. Factor or Factors. In addition to a statement on cause (or, if there is insufficient evidence to meet the clear and convincing standard for stating a cause), the president describes the factor or factors, if any, that he or she believes substantially contributed to or caused the aircraft accident. A substantially contributing or causal factor is a factor that played an important role, either directly or indirectly, in the sequence of events that led to the accident. Any conclusion about such substantially contributing or causal factors must be based on substantial evidence. Substantial evidence is more than a trace of evidence and is that which a reasonable person would accept as adequate to support a conclusion.

8.7.4. Format, Signature, and Date.

8.7.4.1. Begin the Statement of Opinion on a new page and copy it onto single-sided pages.

8.7.4.2. Include the following statement, verbatim, at the beginning of the Statement of Opinion: "Under 10 U.S.C.2254(d), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in any civil or criminal proceeding arising from an aircraft accident, nor may such information be considered an admission of liability by the United States or by any person referred to in those conclusions or statements."

8.7.4.3. Date and sign the Statement of Opinion as "President, Accident Investigation Board."

8.8. Index of Tabs. The Index of Tabs follows the Statement of Opinion. In the Index of Tabs, include a listing of all "sub-tabs." For example, Tab V might appear in the index as follows:

Witness Testimony and Statements	Tab V
Lt. Col. Malcolm Harris	V-1
Capt. Jack Aubrey	V-6
Lt. Col. Jane Austen	V-12
Dr. Stephen Maturin	V-15

8.9. Tabs (supporting documentation and witness interviews).

8.9.1. Incorporate verbatim Tabs A-S from Part I of the Safety Report (with privacy information redacted) into the AIB Report as Tabs A-S. Do not add any new material to these tabs, even if related to the subject matter; rather, create new tabs for any new material.

8.9.2. Any information or material developed by the AIB which is not included under Tabs T-BB may be placed under additional tabs beginning with Tab CC.

8.9.3. The sub-tabs will reflect the length of the witness statements. You do not need to attach a tab to each sub-tabbed item. However, list sub-tabs again in a mini index beneath each primary tab. Insert only the primary tabs in the report itself (normally in the form of a printed separator sheet).

8.9.4. The Post Investigation Memorandum will state the location and custodial office of the original documents and other evidence if they are not included in the Report.

8.9.5. Include the following tabs in the Report:

8.9.5.1. Tab A – AF Form 711, USAF Mishap Report. The legal advisor should carefully review this tab with the SIB president to ensure it doesn't contain privileged information.

8.9.5.2. Tab B – Preliminary Message Report.

8.9.5.3. Tab C – AF Form 711B, Aircraft Flight Mishap Report. The legal advisor should carefully review this tab with the SIB president to ensure it doesn't contain privileged information.

8.9.5.4. Tab D – AF Form 711C, Aircraft Maintenance and Materiel Report. The legal advisor should carefully review this tab with the SIB president to ensure it doesn't contain privileged information.

8.9.5.5. Tab E – Blank.

8.9.5.6. Tab F – Blank.

8.9.5.7. Tab G – Flight and Personnel Records. Include a copy of the flight record page showing the most recent flight time. (Do not include accident flight time.) The record should be closed out as of the date of the accident. Include the flight time in each aircraft flown. Break down information according to aircraft designation, inclusive dates flown, FP or IP time, and total time. Include sorties and hours in the last 30, 60, and 90 days.

8.9.5.8. Tab H – AFTO Form 781 Series. Include a copy of the AFTO 781, AFORM Aircrew/Mission Flight Data Document (or proper missile maintenance form), if it adds to the Report.

8.9.5.9. Tab I – Product Quality Deficiency Reports (DR). Include DRs with remarkable (other than normal) teardown deficiency report (TDR) results. However, provide a complete list of all other DRs not included. Identify each DR by originator, date-time group, report control number (RCN), name of part (NOM), and manufacturer's part number (MFR PN).

8.9.5.10. Tab J – Technical and Engineering Evaluations of Materiel. If DoD personnel or if contractors (without a promise of confidentiality) provided TDRs or engineering evaluations, include them here.

8.9.5.11. Tab K – DD Form 175, Military Flight Plan (or appropriate forms). Include a copy of the clearance form and a weather summary. Include flight orders of the pilot or crew if prepared. Include a passenger manifest if the accident aircraft was carrying passengers during the accident flight. If there was no manifest, use any document, paper, or list giving the complete name and grade of all crew and passengers. Carefully review this tab to ensure that SSNs are redacted.

8.9.5.12. Tab L – DD Form 365-4, Form F-Weight and Balance Clearance Transport/Tactical. Include a copy of the weight and balance computations on file for the flight involved.

8.9.5.13. Tab M – Certificate of Damage. This lists the total damage to all government property, materiel, and equipment. Include the maintenance officer's detailed evaluation, statement of damage, and the cost of parts replaced and man-hours required for repair. See AFI 91-204, Chapter 2, for information regarding damage estimates.

8.9.5.14. Tab N – Transcripts of Recorded Air-to-Ground and Aircraft-to-Aircraft Communications. These are written transcripts of recorded voice communications. Begin the transcript early in the accident sequence as is practical and end the transcript when all damage and injury has occurred. Long term rescue/SAR transmissions need not be included. Transcripts of intracockpit communication (such as cockpit voice recordings) are placed in Tab O.

8.9.5.15. Tab O – Any Additional Substantiating Data or Reports. This is supporting data not otherwise defined. It can include local operating instructions (OIs), directives, approach and landing charts, training records, flight data recorder information, transcripts from cockpit voice recorders, non-privileged witness statements from the preceding Safety Report, and other forms. If applicable, redact CVR and HUD transcripts to protect privacy interests or otherwise privileged information.

8.9.5.16. Tab P – Statement of Damage to Private Property. The Claims Officer normally prepares this document. It briefly describes the type and extent of damages to civilian personnel and property. This Tab should not contain attorney work product or monetary valuation of the property damage. If improper information is included, the legal advisor will prepare a new document. The legal advisor will forward a copy of the new Tab P to the SIB president for inclusion in the SIB Report.

8.9.5.17. Tab Q – Orders Appointing the SIB Members. Ensure that SSNs are redacted.

8.9.5.18. Tab R – Diagrams (Fallout, Impact, etc.). Ensure the diagrams are self-explanatory, indicating wreckage patterns, impact areas, or association with structures, facilities, etc. Remove any scatter diagrams of human remains.

8.9.5.19. Tab S – Photographs. Well-defined 8 by 10-inch glossy photographs help in accident analysis. Use them to show damage, impact areas, metal fractures, flight path, vehicle travel, etc. Use of scanned color images for reproduction in the formal report is preferred over pasting actual photographs. Do not include photographs of deceased personnel in the Report. Ensure that no captions, overlays, or markings are on any photographs provided by the SIB that indicate conclusions regarding cause or that reveal the deliberative process of the SIB. Number the pages containing the photographs (S-1, S-2, etc.), but do not mark the photographs themselves. Place an index of photographs at Tab S.

8.9.5.20. Tab T – Individual Flight Records and Orders, not included in Tab G.

8.9.5.21. Tab U – Aircraft Maintenance Records. Include in Tab U significant maintenance documents not included in Part I, Tabs H or O, of the Safety Report.

8.9.5.22. Tab V – Witness Testimony and Statements. Include all sworn witness testimony taken by the Board. The first page of this tab is a table of contents of the witness statements that are included under this tab.

8.9.5.23. Tab W – Weather Observations.

8.9.5.24. Tab X – Statements of Injury or Death. Include in Tab X only information that, if released, does not violate the privacy provisions of AFI 37-132, or constitute an unwarranted invasion of personal privacy under AFI 37-131. Avoid graphic descriptions that may upset the next-of-kin. Do not include the autopsy protocol. The medical advisor may draft a general statement indicating the cause of death or injury and describe any abnormal laboratory test results or other medical factors affecting crew performance.

8.9.5.25. Tab Y – Documents Appointing the AIB Members and Technical Advisors. Ensure that SSNs are redacted.

8.9.5.26. Tab Z – Photographs Not Included in Part I of the Safety Report. Include in Tab Z significant photographs not included in Tab S.

8.9.5.27. Tab AA – Flight Documents. Include copies of low-level route books, flying charts, and departure and approach plates that the pilot used during the mishap flight. Also include flight planning documents and FAA bookings.

8.9.5.28. Tab BB – Government Documents and Regulations. Include applicable documents and regulations under this tab. For instance, if the accident occurred on a low-level route, include the applicable FAA document that designates the waypoints and parameters of the route. If a regulation was violated, include a copy of the front cover and the applicable portions of the regulation. Ensure that the documents included in this tab were current at the time of the accident. Do not include documents that are protected by the Export Control Act, Export Administration Act of 1979, or otherwise privileged.

8.10. Completing the AIB Report.

8.10.1. Informal Legal Review. It is recommended that you forward a draft copy of the Summary of Facts and the Statement of Opinion to the convening authority's SJA for an informal legal review to ensure the Report meets the requirements of AFI 51-503.

8.10.2. Send the original and ten copies of the AIB Report directly to the convening authority's SJA. Do not forward it through nor provide copies of the Report to any intermediate commands

(Note: This policy mirrors SIB procedures in AFI 91-204, Chapter 5).

8.10.3. The Board president and other AIB members will not discuss the contents of the AIB Report with anyone other than Board members, and the convening authority and his or her staff, until the Report is officially released to the public. This prohibition does not preclude AIB members from seeking information from any source during the investigation process; nor does it preclude briefing officers from providing briefings to the NOK.

8.11. Licensing. The AIB Report is exempt from licensing with a report control symbol (RCS) under AFI 37-124, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections.*

Chapter -- 9

Approval and Distribution of the AIB Report and NOK Briefings

9.1. Staffing the AIB Report. Prior to approval of the AIB Report, the convening authority's SJA coordinates the Report among appropriate members of the convening authority's staff. Prior to approval, the Report is not circulated among or provided to intermediate commands. All substantive comments from the staff concerning investigative deficiencies in the Report or relating to the Statement of Opinion are forwarded to the AIB president for review and evaluation. Based upon these comments, the AIB president may elect to continue the investigation, modify the Report, or make no changes. The AIB president will advise the convening authority's SJA of the intended course of action. Staff comments are not publicly releasable; do not incorporate them in the AIB Report.

9.2. Legal Review. The SJA's legal review is forwarded with the AIB Report to the convening authority. The legal review assesses whether the AIB Report meets the requirements of AFI 51-503 and addresses any legal issues, including potential or pending claims and litigation. The legal review is not publicly releasable; do not incorporate it into the AIB Report.

9.3. Approval of the AIB Report. The convening authority reviews the AIB Report, determines if the Report shall be approved as written, approved with appended comments, or returned to the AIB president for further action.

Note: If the convening authority requests a formal briefing on the AIB Report, the AIB president will provide an informational briefing to the NAF commander prior to briefing the convening authority. The NAF commander may forward any written comments on the report to the convening authority

9.3.1. Approval of the AIB Report does not suggest nor denote agreement by the convening authority with the Statement of Opinion of the AIB president. Rather, it is an indication that the Report complies with applicable laws and regulations.

9.3.2. Place the Convening Authority Action under the front cover of the AIB Report and distribute it with the AIB Report.

9.4. Distributing the AIB Report. After the convening authority approves the AIB Report, the convening authority's SJA distributes it under a time-phased plan coordinated with their Public Affairs Office. High-interest AIB Reports, as defined below, have more distribution requirements than those that are not considered high-interest. Reports are generally distributed in the following sequence: (1) designated Air Force offices for internal review; (2) then to the NOK; (3) then to members of Congress, if requested; and (4) then to the public and the media.

9.4.1. High-Interest Mishaps. High-interest mishaps include those that result in death or serious personal injury, significant civilian property damage, or are likely to generate high public, press, or congressional interest. If the AIB Report concerns a high-interest mishap, certain documents must be

faxed to AFLSA/JACT immediately following approval of the Report. In order to allow sufficient time for Air Staff and Secretariat review, delay NOK briefings and public release of high-interest AIB reports for at least two duty days after the documents have been faxed to AFLSA/JACT. The documents that are faxed to AFLSA/JACT will be considered "close hold" until the public release date. The documents to be faxed to AFLSA/JACT are:

9.4.1.1. A fax cover sheet that prominently displays: "***Close Hold Until Public Release.***"

9.4.1.2. Convening Authority Action.

9.4.1.3. Executive Summary.

9.4.1.4. Summary of Facts.

9.4.1.5. Statement of Opinion.

9.4.1.6. PA Release Plan including:

9.4.1.6.1. Proposed timeline for the release of the Report, including next-of-kin notifications and public release.

9.4.1.6.2. Description of public, press, and congressional interest.

9.4.1.6.3. Proposed press releases and anticipated questions and answers.

9.4.2. ***All Mishaps.*** This paragraph applies to all AIB Reports, including high-interest mishaps.

9.4.2.1. Prior to any release of the Report outside the Air Force (other than releases under paragraph 9.4.1.), provide the Executive Summary, Summary of Facts, and the Statement of Opinion to the following offices: (Annotate on each copy that the Report is "***Close Hold Until Public Release.***")

9.4.2.1.1. Mishap wing commander and intermediate commanders.

9.4.2.1.2. Any MAJCOM commander involved in the accident.

9.4.2.1.3. Air Force Legal Services Agency, Tort Claims and Litigation Division (AFLSA/JACT), 1501 Wilson Boulevard, Room 835, Arlington VA 22209-2403.

9.4.3. ***Briefings to NOK and Seriously Injured.*** Prior to public release of the AIB Report, brief the results of the investigation to the NOK of deceased persons and to seriously injured personnel IAW AFI 90-701, Chapter 5 and Attachment 9. Usually the AIB president serves as a NOK briefing officer. If multiple briefings are required, then the convening authority selects additional briefing officers to ensure the NOK are simultaneously briefed.

9.4.3.1. ***Multiple NOK Briefings.*** It is important that each NOK receives substantially the same briefing. Therefore, each briefing officer must fully understand the results of the AIB and clearly brief those results. Briefing officers serve three purposes:

9.4.3.1.1. To personally express the condolences of the Department of the Air Force for the death or injury resulting from the crash;

9.4.3.1.2. To personally deliver a copy of the AIB Report; and

9.4.3.1.3. To provide a basic briefing on the investigation results, including the cause or the factors contributing to the accident, and to answer questions of the NOK or family members, based upon the facts contained in the Report.

9.4.3.2. For further guidance regarding NOK briefings, contact the convening authority's SJA, and see AFI 90-701.

9.4.4. *Congressional Briefings.* Following the NOK briefings, but before public release, provide a copy of the Report and a briefing to congressional members, if requested. Contact SAF/LLP for further guidance.

9.4.5. Public Affairs prepares a release plan and coordinates public release of the AIB Report.

9.4.6. Following public release of the AIB Report, ensure the following offices are provided a complete copy of the AIB Report:

9.4.6.1. Mishap wing and intermediate commands.

9.4.6.2. Any MAJCOM involved in the accident.

9.4.6.3. Air Force Legal Services Agency, Tort Claims and Litigation Division (AFLSA/JACT), 1501 Wilson Boulevard, Room 835, Arlington VA 22209-2403.

9.4.6.4. Responsible claims officer, if claims are anticipated.

9.4.6.5. Headquarters, Air Force Safety Center, Legal Office (HQ AFSC/JA), 9700 Avenue G SE, Kirtland AFB NM 87117-5670.

9.4.6.6. Staff Judge Advocate, Headquarters, Air Force Materiel Command Office (HQ AFMC/JA), 4255 Logistics Avenue, Suite 23, Wright-Patterson AFB OH 45433-5762, for cases involving contractors subject to potential contractual liability as a result of the accident.

9.4.6.7. Chief, National Guard Bureau (Attn: NGB-JA), 2500 Army Pentagon, Washington DC 20310-2500, for cases involving ANG aircraft or personnel, and one copy to the State Adjutant General concerned.

9.4.7. *Additional Distribution of the AIB Report:*

9.4.7.1. Provide the Executive Summary, Summary of Facts, and Statement of Opinion to Headquarters Air Force Office of Special Investigations, Fraud Investigations Divisions (HQ AFOSI/XOK), 500 Duncan Avenue, Suite 1009, Bolling AFB DC 20332-6000, for cases involving suspected defective or non-conforming products.

9.4.7.2. On request, provide one free copy to anyone who suffered personal injury or substantial property damage as a result of the mishap.

9.5. *Requests for Copies of the Report.* The convening authority's SJA responds to requests for the AIB Report and is the release authority for the Report.

9.5.1. Charge the fees specified in AFI 37-131.

Chapter -- 10

Post Investigation Matters

10.1. *Reopening the AIB.* If additional evidence is discovered following approval of the AIB Report, then the convening authority will determine whether to reopen the AIB. Contact the convening authority's SJA for guidance.

10.2. *Personal Notes and Drafts.* After the convening authority approves the completed AIB Report, destroy all investigator notes and drafts of the Report. Upon completion, the only documents that should exist are the AIB Report and the ancillary documents and evidence forwarded to the convening authority's SJA with the Post Investigation Memorandum.

10.3. *Post Investigation Memorandum.* Within 15 calendar days of forwarding the completed AIB Report, the AIB president will forward a Post Investigation Memorandum to the convening authority's SJA. The Memorandum will accompany the ancillary evidence, photographs, negatives of photographs, and other information that were not included in the Report. The Memorandum is fully releasable; however, documents attached to the Memorandum may be restricted from public release, if appropriate.

10.3.1. *Purpose of the Memorandum.* The primary purpose of the Memorandum is to serve as a formal record of transmittal of all evidence and other documents to the convening authority's SJA. It is not a legal review or after-action report (if an after-action report is desirable, forward it separately). The Memorandum will consist primarily of a list of attachments.

10.3.2. *Documents.* Attach the following documents to the Memorandum:

10.3.2.1. A consolidated list of witnesses, including full names, DSN and commercial work telephone numbers, and duty addresses. A sample witness list is at Attachment 2.

10.3.2.2. A consolidated list of Board Members, including full names, positions on the AIB, DSN and commercial work telephone numbers, e-mail and duty addresses.

10.3.2.3. An inventory of all documents, cassettes, etc., forwarded to the convening authority's SJA. If some items are not normally releasable under the Freedom of Information Act (such as autopsy photos, Privacy Act information, and Arms Export Control Act information), clearly identify and segregate those items and identify them on the inventory. The documents and photos should be filed in standard, litigation-size boxes. Each document or item should be in a labeled or numbered file

folder, so it is easily identifiable and retrievable. Label boxes with date of accident, location of accident, convening authority, aircraft tail number, and item numbers contained therein (example: Box 2 of 3, containing Items #42 -- #86. A sample inventory is at Attachment 2. Include a full copy of the inventory in each box.

10.3.2.4. Photo Inventory. Indicate the number of negatives and photos and generally identify contents. This can be included as part of the basic inventory above or as a separate document (example: 102 negatives; 34 black and white 8 X 10 glossies; 48 color 8 X 10s).

10.3.2.5. Location of all ancillary evidence and wreckage, including those items that have been forwarded for laboratory testing.

10.3.2.6. Wreckage Disposition Transmittal Letters. Include copies of letters to the SJA and other organizations regarding transfer of wreckage. Include copies of memos documenting transfer of any parts for laboratory testing or repairs. Include any AFLSA/JACT memos approving disposal of the wreckage.

10.3.2.7. Record Transmittal Letters. Include copies of letters reflecting return of medical, dental, personnel, flight, or other records to the original custodian. Ensure the "TO" line in the letters includes the full address of unit or person to whom records were returned. A sample record transmittal letter is at Attachment 2.

10.4. Disposition of the AFB Report, Evidence, and Other Documentary Materials.

10.4.1. The convening authority's SJA:

10.4.1.1. Secures the original AIB Report.

10.4.1.2. Stores all ancillary documents and other evidence (including photographs) gathered by the AIB.

10.4.1.3. Holds the AIB Report for three years, then retires it to the National Records Center. After 25 years the AIB Report is destroyed, per AFMAN 37-139, *Records Disposition Schedule*, Table 51-4, Rule 11.

10.4.1.4. Forwards the Cockpit Voice Recorder (CVR) and Heads-up display (HUD) tapes to the Mishap Analysis and Animation Facility, HQ AFSC/SEFE-OL, 7851 Arnold St, Rm 125, Bldg 3, Tinker AFB, OK 73145-9145, for storage.

10.4.1.5. Responds to requests for the AIB Report.

10.4.2. Unless there are pending claims or litigation, the ancillary documents and evidence gathered by the AIB should be returned to the source agency or disposed of IAW applicable regulations upon retirement of the original AIB Report.

10.5. Wreckage Custody. Typically, custody of the wreckage will vest first in the On-Scene Commander. At the On-Scene Commander's discretion, custody of the wreckage passes to the SIB president. The SIB president then transfers custody of the wreckage, in writing, to the AIB president.

10.5.1. After the wreckage is no longer required for the AIB investigation, the host base liaison officer coordinates the transportation of the wreckage to its storage location and the AIB president transfers custody of the wreckage, in writing, to the host base commander or designee.

10.6. *Removing and Storing Wreckage.* The host base commander is responsible for removing and storing the wreckage. If the host base does not have the capability for removing and storing the wreckage, then the convening authority's MAJCOM will assist in removing and storing the wreckage.

10.6.1. All costs associated with the removal and storage of the wreckage will be paid by the convening authority's MAJCOM.

10.7. *Requests for Wreckage Release.* Wreckage from Class A mishaps must be retained until specifically released by AFLSA/JACT. Requests for release of wreckage are submitted by the Claims Officer of the host base, through the convening authority's SJA, to AFLSA/JACT.

10.7.1. If the request for release of wreckage is initiated prior to the approval of the AIB Report, then the convening authority or designee must personally approve the wreckage release request before it is forwarded to AFLSA/JACT.

10.7.2. Provide the following information in wreckage release requests:

10.7.2.1. Date of accident.

10.7.2.2. Type and serial number of aircraft, missile or space vehicle involved.

10.7.2.3. Location of accident.

10.7.2.4. Persons killed and status of injured personnel.

10.7.2.5. Estimate of the number, types, and dollar amount of claims anticipated.

10.7.2.6. Whether there is a mission requirement for immediate release of the wreckage.

10.8. *Accident Site Restoration.* For information concerning environmental restoration, see AFI 32-7020, *The Environmental Restoration Program*, or overseas, see AFI 32-7006, *Environmental Program in Foreign Countries*. Questions regarding accident site restoration as well as access and easements to the accident site may be directed to AFLSA/JACE, DSN 426-9166.

Chapter -- 11

Abbreviated Accident Investigations

11.1. *Generally.* At the convening authority's discretion, AIB procedures may be modified and the format of the AIB Report abbreviated, as necessary, to save time and resources. This discretion may be exercised only under the following circumstances:

11.1.1. When a Class A mishap has been characterized as such solely because damage to government property is expected to exceed \$1 million. There should be no reasonable likelihood that claims, litigation, disciplinary or adverse administrative action, serious personal injury or death, or high public interest will arise from the mishap.

11.1.2. When convening an AIB is discretionary, such as after a Class B mishap. There should be no reasonable likelihood that claims, litigation, disciplinary or adverse administrative action, serious personal injury or death, or high public interest will arise from the mishap.

11.2. *Collection of Evidence.* Generally, the investigation of a mishap under this Chapter will proceed along the same lines as any mishap investigation under this instruction. Physical evidence may be viewed and tested, witnesses interviewed, and technical advisors used to analyze the facts and data available. However, the documentation required, the number of witnesses interviewed, and depth of technical analysis may vary, depending on the circumstances.

11.2.1. When a SIB has produced the two part report required for Class A mishaps, the AIB will use Part I of that Report and incorporate it into the AIB Report. The remaining Tabs, normally Tabs T-Z, may be deleted in whole or in part. Information that would normally have been included in those tabs may be summarized in the AIB Report's Summary of Facts.

11.2.2. Witnesses need not be personally interviewed, nor must their testimony be transcribed or otherwise reduced to writing. Witnesses may be telephonically interviewed, and the content of their testimony incorporated into the Summary of Facts, as necessary. Witnesses shall testify under oath. If it becomes apparent that a rights advisement is necessary, then suspend the abbreviated accident investigation and seek further guidance from the convening authority's SJA.

11.3. *Assembling the Abbreviated Report.* All Reports must have an Executive Summary, Summary of Facts, and Statement of Opinion. However, the content and amount of supporting documentation and other evidence may vary as necessary.

11.3.1. When a SIB has not been conducted, the AIB may use any format appropriate to the circumstances.

11.3.2. The Abbreviated AIB Report will be assembled in the same manner as other AIB Reports, IAW with Chapter 7

11.4. *Approval, Distribution, and Release of the Abbreviated AIB Report.*

11.4.1. The convening authority's SJA must review, and the convening authority must approve, Abbreviated AIB Reports.

11.4.2. Distribution of the approved AIB Report may be modified as necessary to meet the circumstances. However, at a minimum, the convening authority's MAJCOM (if the AIB is not convened by the MAJCOM), AFLSA/JACT, and the mishap wing must receive a copy.

11.4.3. An Abbreviated AIB Report will be releasable in its entirety. The convening authority's SJA is the release authority once the Report is approved.

11.4.4. A Post Investigation Memorandum will be prepared.

11.5. *Disposition of Evidence and Wreckage.*

11.5.1. Use of this Chapter to conduct an AIB investigation implies there is no need to retain evidence or wreckage beyond approval of the Report. The convening authority's SJA may dispose of evidence not included in the Report, including wreckage, at his or her discretion.

11.5.2. AFLSA/JACT will be notified in writing of the disposition of wreckage by the convening authority's SJA. If there is any doubt as to the appropriateness of disposing of wreckage, consult AFLSA/JACT prior to disposal.

11.5.3. Once the AIB has completed its examination of the mishap aircraft, and assuming such action is not otherwise restricted or prohibited, the convening authority may approve the aircraft's repair and return to operational service.

William A. Moorman,
Maj General, USAF
The Judge Advocate General

Attachment -- 1

Glossary of References and Supporting Information

References

5 U.S.C.552(a), *Privacy Act*

5 U.S.C.552, *Freedom of Information Act*

10 U.S.C.2254, *Use of Aircraft Accident Reports*

10 U.S.C.2255, *Aircraft Investigation Boards: Composition Requirements*

22 U.S.C.2751, et seq, *Arms Export Control Act*

50 U.S.C., App. 2401, et seq, *Export Administration Act of 1979*

40 CFR 300, *National Oil and Hazardous Substances Pollution Contingency Plan*

DoDI 6055.7, *Accident Investigation, Reporting, and Recordkeeping*

DoDR 5200.1-R, *Information Security Program*

AFPD 31-4, Information Security Program

AFPD 90-7, Service to Survivors

AFPD 91-2, Safety Programs

AFPD 31-4, Information Security

AFI 13-203, Air Traffic Control

AFI 21-103, Equipment Inventory, Status, and Utilization Reporting

AFI 31-401, Managing the Information Security Program

AFI 32-7006, Environmental Program in Foreign Countries

AFI 32-7020, The Environmental Restoration Program

AFI 35-102, Crisis Planning, Management and Response

AFI 36-809, Survivor Assistance

AFI 36-3002, Casualty Services

AFI 37-124, The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections

AFI 37-131, Air Force Freedom of Information Act Program

AFI 37-132, Air Force Privacy Act Program

AFI 51-301, Civil Litigation

AFI 51-501, Tort Claims

AFI 65-601, Volume I, Budget Guidance and Procedures

AFI 90-301, Inspector General Complaints

AFI 90-701, Assistance to Families of Persons Involved in Air Force Aviation Mishaps

AFI 91-202, The US Air Force Mishap Prevention Program

AFI 91-204, Safety Investigations and Reports

AFMAN 37-139, Records Disposition Schedule

AFPAM 37-145, Schedule of Fees for Copying, Certifying and Searching Records and Other Documentary Material

Abbreviations and Acronyms

AIB	Accident Investigation Board
AFI	Air Force Instruction
AFLSA/JACT	Air Force Legal Services Agency, Tort Claims and Litigation Division
AFPD	Air Force Policy Directive
AFRC	Air Force Reserve Command (formerly AFRES)
AFRES	Air Force Reserves
AFSC	Air Force Safety Center, Kirtland AFB, New Mexico
ANG	Air National Guard
ATC	Air Traffic Control
CVR	Cockpit Voice Recorder
DAFC	Department of Air Force Civilian
DoDI	Department of Defense Instruction
DSN	Defense Switched Network
FLO	Family Liaison Officer
FOIA	Freedom of Information Act
HUD	Heads Up Display
IAW	In Accordance With
JQS	Job Quality Standard
MAJCOM	Major Command
NAF	Numbered Air Force
NOK	Next of Kin
PA	Public Affairs
SAR	Search and Rescue
SIB	Safety Investigation Board

SJA	Staff Judge Advocate
SOFA	Status of Forces Agreement
TCTO	Time Compliance Technical Order
TO	Technical Order
UCMJ	Uniform Code of Military Justice

Terms

AIB Members -- All individuals appointed to the Accident Investigation Board, including the president, legal advisor, and technical advisors.

Cause -- A cause is an act, omission, condition, or circumstance that either starts or sustains a mishap sequence. It may be an element of human or mechanical performance. A given act, omission, condition, or circumstance is a "cause" if correcting, eliminating, or avoiding it would prevent the mishap or mitigate damage or injuries.

Friendly Fire -- A circumstance in which members of a US or friendly military force are mistakenly or accidentally killed or wounded in action by US or friendly forces actively engaged with an enemy or who are directing fire at a hostile force or what is thought to be a hostile force.

Gaining Major Command -- The active-duty Air Force Major Command to which an ANG or AFRC unit is assigned upon mobilization.

Host Base -- The installation from which the investigation is being conducted.

MAJCOM Commander -- Commanders of Major Commands, including field operating agency (FOA) and direct reporting unit (DRU) commanders, system program directors (SPD) or equivalent, Air Force Program Executive Officers (AFPEO), etc. In addition, this term includes the air component commander of unified commands during contingency operations.

Missile Mishap -- Mishaps involving missiles that are propelled through air or water that are unmanned, guided by internal or external systems, self-propelled, and designed to deliver ordnance to a target or act as a target. This term includes missile support equipment.

Next of Kin -- The person most closely related to the casualty, normally the spouse of married persons or the parents of single persons without children (Casualty Services). The person most closely related to the deceased individual who is entitled to direct disposition of the remains and/or disposition of personal property (Mortuary Affairs).

Nuclear Mishap -- A generic term used to denote a nuclear reactor system, nuclear weapon system, or radiological mishap.

Space Mishap -- A mishap involving space systems or unique space support equipment.

US Air Force Aircraft -- All manned vehicles, to include remotely piloted vehicles (RPVs),

supported in flight by buoyancy or dynamic action. The term includes those vehicles owned or leased by the Air Force, AFRC, or ANG. Generally, Air Force aircraft are:

- Operated and exclusively controlled or directed by the Air Force.
- Furnished or leased by the Air Force to a non-Air Force organization when the US Government has assumed ground and flight risk.
- Any aircraft under test by the Air Force, including aircraft furnished by a contractor when operated by an Air Force aircrew.
- The term "US Air Force Aircraft" does not include:
 - Aircraft leased to contractors, commercial airlines, or foreign governments when the lessee has assumed risk of loss.
 - Aircraft loaned to other US government agencies or transferred to other governments.
 - Civil air carrier aircraft owned by civil operators and flying contractor air missions for the Air Force under civil operating rules or regulations.
 - Factory-new production aircraft not formally accepted by the Air Force.
 - Aircraft assigned to, owned by, or leased by the Civil Air Patrol (CAP).
 - Aircraft of another military service, even when they are taking part in a joint air operation controlled by the Air Force.
 - Air Force AERO Club aircraft.

US Air Force Guided Missile. US Air Force guided missiles are:

- Owned in part or in whole by the Air Force, or
- Operationally controlled by the Air Force, or
- Furnished by the Air Force (Government Furnished Property [GFP] or Government Furnished Equipment [GFE] or leased to a non-Air Force organization for modifications, tests, or experimental projects for the Air Force, except when the lessee has assumed risk of loss), or Under test by Air Force commands or agencies.

US Air Force Mishap. An unplanned event, or series of events, resulting in:

- Injury or death to Air Force military personnel.
- Injury or death to on-duty DAF civilian personnel.
- Injury or death to non-Air Force personnel resulting from Air Force operations.
- Occupational illness of Air Force military or DAF civilian personnel.
- Illness of non-Air Force personnel caused by Air Force operations.
- Damage to Air Force property.

- Damage to non-Air Force property resulting from Air Force operations.
- Degradation of nuclear or radiological safety.

US Air Force Space Systems and Space Support Systems. Include systems that are:

- Owned in whole or in part or leased by the Air Force.
- Operated and controlled or directed by the Air Force.
- Furnished by the Air Force or leased to a non-Air Force organization when the Air Force has retained the risk of loss.
- Systems for which the Air Force has contractual development, contractual launch, or procurement responsibility.
- Under test by the Air Force.

See AFI 91-204 and DODI 6055.7 for Other Definitions.

Attachment -- 2

Sample Letters

Memorandum For (AIB President)

From: (Convening Authority)

Subject: Convening of AFI 51-503 Accident Investigation Board (AIB) Class A, P-51 Mishap, 23 Dec 44, Tail # 43-1001, 77 FS, Elmendorf AFB, AK.

An-accident investigation board is hereby convened under the provisions of AFI 51-503 to investigate subject mishap. This appointment letter is your authority to interview witnesses, take sworn testimony, and review all documents, files, and wreckage relevant to your investigation. Upon receipt of Part I of the Safety Investigation Board (SIB) Report, you and other detailed members are relieved of all other duties until the AIB Report is completed. The following personnel are detailed to serve on the AIB:

(Name, Organization) President

(Name, Organization) Pilot Advisor

(Name, Organization) Maintenance Advisor

(Name, Organization) Legal Advisor

(Name, Organization) Administrator

Your investigation will be conducted IAW the provisions of AFI 51-503. (The Convening Authority's SJA) will advise you on preliminary administrative matters, as required. Your legal advisor is required to be present during all witness interviews, and must review all evidence, documents, transcripts, and statements prior to inclusion in your report. Your report will include an Executive Summary, Summary of Facts and Statement of Opinion as required by AFI 51-503. All witnesses, documents, records, and other evidence within the control of the Air Force will be made available to you, other than privileged safety

information. All witnesses who testify must do so under oath or affirmation. Your report shall be releasable to the public and may not contain any privileged safety or Privacy Act-protected information.

Your Statement of Opinion must be supported by clear and convincing evidence contained in your report. Your legal advisor will assist you in evaluating evidence. Do not include recommendations for corrective or disciplinary action in your report.

You and the other AIB members are not authorized to disclose board findings or opinions, except to members of my staff, prior to my approval of the AIB Report.

Travel and billeting will be funded by (_____). Travel orders should be issued locally and authorize variations in travel for all members of the AIB. A fund cite will be provided by MSgt XXX, (Unit, Phone, Fax, E-Mail). All travel costs needed for witness interviews outside the (HOST BASE) area should be coordinated With (The Convening Authority's SJA) in advance.

I AW AFI 51-503, (The Host Base) will assist you with logistical and administrative support. A Host Base Liaison Officer will be appointed by (HOST BASE/CC) to assist with arranging billeting, vehicles (if available), facilities, administrative support, reproduction services, and access to witnesses. Make contact with the Host Base Liaison Officer through the office of the (Host Base/CC)

Your investigation should begin as soon as possible and be completed within 30 days from receipt of the completed Part I of the Safety Investigation Board (SIB) Report. Submit any requests for extensions, additional advisors, or other matters to me through (Convening Authority's SJA). Submit your final report to (Convening Authority's SJA), and they will forward it to me for approval.

(Insert This Paragraph if the Accident Involved is A High-Interest Mishap)

In addition to your duties as AIB Board president, you will serve as the conduit for accident information to the next of kin (NOK) and family members of the deceased, to seriously injured personnel, and to the public. In order to provide timely information to these individuals, you should proceed to the scene of the accident no later than 48 hours after the arrival of the SIB. After assessing the situation, you may choose to seek (Convening Authority's) approval to depart the accident site, pending receipt of the Part I of the SIB Report.

The (Convening Authority's SJA) point of contact for any questions is (Name), phone, fax, e-mail.

*cc: Each AIB member
Intermediate commands
Host Base/CC*

Figure A2.1. -- Sample Convening Order.

<p>Memorandum for (Host Base Commander) From: (Convening Authority) Subject Accident Investigation Board (AIB) Class A, P-51 Mishap, 23 Dec 44, Tail # 43-1001, 77 FS, Elmendorf AFB, AK.</p> <p>The attached Memorandum convenes an AIB to investigate the above referenced mishap. IAW AFI 51-503, the Host Base provides logistical and administrative support for the AIB, including office space, computer support, communications, transcription personnel and equipment, reproduction, and other administrative support. In addition, the Host Base Commander appoints a Host Base Liaison Officer to orient and assist the AIB, as well as make arrangements for the appearance of local witnesses before the Board.</p> <p>The AIB President, (NAME), has been directed to contact your office to make arrangements for the investigation.</p> <p>Attachment: Convening Order</p>

Figure A2.2. -- Sample Memorandum to Host Base Commander

Crest or Graphics (optional)

U.S. Air Force

AFI 51-503

Aircraft Accident Investigation Board Report

B-17, Tail # 1945, 99 WG

Date of Accident: 17 Feb 1951

Location of Accident: Beaver Dam, Wisconsin

Board President: Colonel X-ray

Volume One of Two

Figure A2.3. -- Sample Report Cover Sheet.

<p><i>.For Official Use Only</i> <i>Sensitive Data</i> <i>No Reproduction or Access Without</i> <i>Express Approval Of</i> <i>(Convening Authority or Convening Authority's SJI)</i> <i>All Individuals Authorized to Review This Document Must Sign Below. All Copies</i> <i>Must be Accounted for and Handcarried to (Convening Authority's SJA) for</i></p>

<i>Destruction</i>	
<p>I understand that I have been requested to review this draft AIB Report prior to official approval and release to the NOK of the deceased. This review is being done as part of my official duties with the Department of the Air Force.</p>	
<p>I hereby certify that I will not release any information obtained during my review of this report, nor discuss the contents with any person, whether military or civilian, who has not been duly authorized access to this report and who has not signed a certification of nondisclosure, until such time as this report has been approved for release to the general public by the (<i>The Convening Authority</i>).</p>	
<p>I further understand that Violation of this may result in disciplinary action under the Uniform Code of Military Justice or federal law</p>	
<p><i>Printed Name/Rank Date Signature Unit</i></p>	

Figure A2.4. -- Sample Routing Cover Sheet for Convening Authority's Staff.

<p>Memorandum for (Convening Authority's Staff) From: (Convening Authority's SJA) Subject: Review Of Accident Investigation Board (AIB) Report Under AFI 51-503 b-17, 77 FS, Elmendorf AFB, AK, suspense: 15 mar 00</p>
<p>Review the attached AIB Report. Your evaluation will become a permanent record reviewed by (<i>The Convening Authority</i>) but will not be released to the public as part of the Report. Until the Report is approved and publicly released, neither the Report nor its contents may be disclosed to anyone without an official need to know. It should only be disseminated to those personnel on your staff who need to review it in the course of their official duties. No portion of the Report may be reproduced or copied, except pages used for mark-up comments submitted to JA.</p>
<p>Provide written comments and your recommendation for action on the Report for (<i>The Convening Authority's</i>) review. Limit comments to deficiencies or inaccuracies, or to any follow-up investigation actions that may be warranted. Do not make any comments or recommendations concerning disciplinary action. Remember that the AIB President was not provided privileged safety information from the AFI 91-204 SIB. Base your comments on the facts contained in the AIB Report, not on information that is only found in the SIB Report. Although testimony may discuss matters similar to that which may have been gathered in the previous safety investigation, SE and DO should also review the Report to ensure no improper or privileged safety information is included in the Report.</p>
<p>Provide supporting rationale or explanations for any comments. If you disagree with the opinion of the AIB president, state your reasons. Do not write on the Report; comments should be on a separate memo or annotated on a page photocopied specifically for this purpose.</p>
<p>Comments with two-letter endorsement are requested by _____. POC for this</p>

matter is (Name, Rank Telephone No.) After completing your review, hand carry the Report back to *(Convening Authority's SJA)*. Do not place the Report in distribution.

Attachment

AIB Report

Figure A2.5. -- Sample Tasker to Convening Authority's Staff.

(Name & Address Of NOK)

Dear **(Mr And Mrs)**

On behalf of the Air Force, **(Condolences As Appropriate)**.

I am writing to let you know that the Air Force is nearly finished with the investigation into the (date of accident) aircraft accident. Once it has been completed and reviewed, you will be provided a personal copy. (Name of Investigating Officer or Briefing Officer), the Investigating/Briefing Officer, will be personally delivering this report to you. (He/She) will explain the report and be available to answer questions you or your family may have on the mishap and the resulting investigation.

Other family members involved in this mishap will also be receiving the report. To ensure you and the other family members receive the report prior to any media or public release, and to protect everyone's privacy, all of the families will be briefed on the same day, if possible. Although the exact date has not yet been firmly set, a member of my staff will soon call you to confirm the date.

Please contact (POC) if you have any questions. He/she may be reached at (897) 987-6783. Again, **(Condolences)**.

Figure A2.6. Sample Letter from Convening Authority to NOK.

Memorandum For (Convening Authority's SJA)

From: (Convening Authority)

Subject: Accident Investigation Board (AIB) Report Class A Mishap, 15 Aug 54, B-17, Tail #44-007, 77 FS, Elmendorf AFB, AK

Signature of Convening Authority

Figure A2.7. -- Convening Authority's Action.

Memorandum For (Post-Public Release Distribution)

From: (Convening Authority's SJA)

Subject: Accident Investigation Board (AIB) Report Class A Mishap, 21 Apr 56, B-24, Tail #44-0100, 77 FS, Elmendorf AFB, AK

Subject Accident Investigation Board (AIB) Report has been approved by (Convening Authority) and has been released to the public. Attached is a copy for your use.

You are authorized to reproduce and use the AIB Report for official purposes. Requests for copies for private use and from unofficial sources should be processed under the Freedom of Information Act and forwarded to *(The Convening Authority's SJA)*. *(The Convening Authority's SJA)* is the release authority for the Report.

Attachment:

Aircraft Accident Board Report

Figure A2.8. -- Sample Distribution Memorandum.

Collateral Evidence Inventory

1. Nine microcassette tapes of testimony:
 - 2 Feb 88 statement of LTC Rexwell;
 - 3 Feb 88 statement of Mr. Swivelnose;
 - 4 Feb 88 statement of Mr. Scrubdub;
 - 5 Feb 88 statement of Mr. Hollie;
 - 6 Feb 88 statement of Mr. Wizgoof;
 - 7 Feb 88 statement of Mr. Squirmwind;
 - 8 Mar 88 statement of Mr. Fizwiffle
 - 8 Mar 88 statement of Mr. Swagmore;
 - 8 Mar 88 statement of LTC Hinterdimple.
2. One regular size Maxell cassette tape of the 5 Feb 99 statement of Capt Bewelder.
3. CAMS Computer Generated Aircraft Maintenance History Report for tail #0077; from 1 Aug 87 to 17 Jan 98 (44 computer printout size pages).
4. CAMS Computer Generated Aircraft Maintenance History Report for tail #132; from 2 Jun 87 to 23 Jul 88 (34 computer printout size pages).
5. Warner-Robins Air Logistic Center Acceptance Inspection Report for P-38, tail #8909, undated (9 pages).
6. Hand receipt and aircraft system check at Elmendorf AFB, Alaska prior to cross-country PDM delivery sortie; P-38, dated 14 Jun 87. Includes AFTO 345 and AF Form 2692 (8 pages total).
7. Oil Analysis Request, dated 4 Jul 87 (one page), and Aircraft tail # 007700 Mission Debrief report, dated 13 Jul 87 (one page).
8. Worksheet to calculate total aircraft weight after refueling to determine maximum G force limit, dated 7 Aug 88 (6 pages).
9. FAA Certification Requirement for a Fixed Base Operator (FBO), dated 3 Feb 88 (20 pages).

- 10. Telephone records of calls made to/from Elmendorf AFB, Alaska between 1 and 12 Jul 97 (71 pages).
- 11. Four 5x7 photographs and negatives for nine photographs (5 of which were used in final report).

Figure A2.9. -- Sample Evidence Inventory for Post Investigation Memorandum.

<i>Witness List</i>
Captain Dee Wevil (Mishap Pilot) Currently at Fighter Weapons School Nellis AFB, NV DSN: 900-1989 Supervisor: LTC Jeff Dohickey DSN: 900-1900
Mr. Jay Hood (General manager) CME Aviation Inc. Acme Flight Services 2 Dude Road Crooked Foot Airport Jennifer, Ohio 89832 (900) 437-1905
Mr. Fred Nerdly (Electronics Specialist) Warner-Robins AFB, GA DSN: 777-0000 Colonel Wilbur Muchmore (Commander) 3rd Wing Operations Group Elmendorf AFB, Alaska DSN: 677-8983

Figure A2.10. -- Sample Witness List (attached to the Post Investigation Memorandum).

Memorandum For (Records Custodian)
From: (Convening Authority's SJA)
Subject: (Medical, Personnel, Training Records, Etc)

The attached (medical, personnel, training) records are no longer needed by the Accident Investigation Board (AIB) convened under AFI 51-503. The AIB Report was approved by (*The Convening Authority*) on 3 Dec 97.

The records for the following individuals who were killed in the crash are returned to you for disposition.

If you ship these records elsewhere, then please provide our office with a copy of your transmittal letter for each of these records to ensure they can be retrieved in the event of

litigation.

The following records are enclosed:

Name, rank, duty assignment, location of records.

Please contact (POC) at DSN 777-0000 if you have any questions.

(Signature Block, Convening Authority's SJA)

Receipt of above records acknowledged this _____ day of December, 1999.

Figure A2.11. -- Sample Records Transmittal Memorandum.

Attachment -- 3

Text of IC 2000-1

IC 2000-1 To AFI 51-503, *Aircraft, Missile, Nuclear, And Space Accident Investigations*

5 April 2000

Summary of Revisions

This interim change (IC) 2000-1 implements direction from the Chief of Staff of the Air Force on the grade of AIB presidents in fatality cases and the report approval process. The direction on board president grade requirements is in paragraph 4.2. The direction on the report approval process is in paragraph 9.3.

4.2. AIB President. AIB presidents should be field grade officers, senior in rank to persons involved in the accident, and must come from outside the mishap wing. For Class A accidents, AIB presidents must be O-5 or above and should, if possible, be the same grade as the corresponding SIB president. For any accident involving a fatality, the AIB president must be a General Officer or Brigadier General (Select).

9.3. Approval of the AIB Report. The convening authority reviews the AIB Report, determines if the Report shall be approved as written, approved with appended comments, or returned to the AIB president for further action. Note: If the convening authority requests a formal briefing on the AIB Report, the AIB president will provide an informational briefing to the NAF commander prior to briefing the convening authority. The NAF commander may forward any written comments on the report to the convening authority.

 [Open this portion of the document in Word \(312 KB\)](#)

ATOMIC ENERGY REGULATORY COMMISSION

Docket No. _____ Official Ex. No. 60
In the matter of PFS

Staff	_____	IDENTIFIED	<u>✓</u>
Applicant	_____	RECEIVED	<u>✓</u>
Intervenor	<u>✓</u>	REJECTED	_____
Other	_____	WITHDRAWN	_____
DATE	<u>4/12/02</u>	Witness	_____
Clerk	_____		<u>_____</u>