

主题：RE: RE: RE: China Eastern

收件人："林航"<(b)(6)>

抄送："朱涛"(b)(6)

Thank you very much for the update Captain Lin.

I do want to ensure that the CAAC is aware of our filed differences from Annex 13. One of these differences is to 5.26 and 6.2 of the Annex reproduced below:

- • * "5.26: Accredited representatives and their advisers: a) shall provide the State conducting the investigation with all relevant information available to them; and b) shall not divulge information on the progress and the findings of the investigation without the express consent of the State conducting the investigation."
- • * "6.2: States shall not circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the State which conducted the investigation, unless such reports or documents have already been published or released by that latter State."

There is a statute in our federal laws (49 USC Para 1114) that we must abide by – reproduced below:

"(1)In general.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

(A)the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

(B)the Board may disclose records and information when authorized to do so by the country conducting the investigation."

Therefore, we are now approaching (2 years from date of accident) the law detailed in subpart A of the federal statute since a final report has yet to be issued. What this means is that beginning tomorrow, we may begin to receive FOIA (Freedom of Information Act) requests for data on this accident that we will be required to respond to within a given time frame. The most sensitive data that could potentially be requested would be the flight data given the work that was conducted in our labs.

As you can imagine, from an investigative perspective, we would prefer that any data be released by the CAAC as part of the final report. Understanding your report timeframe and if it is imminent would be helpful for me in my negotiations if requests for data do come in. So that it is clear, I currently do not have any requests for information, however we do anticipate requests coming in soon from the media. I will notify you if/when I receive any requests for information.

I'm happy to discuss via phone or video call if you would like to. Please feel free to respond with any questions.

Thank you,

Sathya

Sathya S. Silva, Ph.D. (she, her, hers)

Senior Aviation Accident Investigator/ Investigator in Charge (IIC)

Air Carrier and Space Investigations Division

National Transportation Safety Board

490 L'Enfant Plaza East, SW, Washington, DC 20594

(b)(6)

(b)(6)

Once again, I would like to extend my sincere gratitude to you and your team for your great support on the investigation.

Best Regards,

Capt. LIN Hang

Capt. LIN Hang

Director

Accident Investigation Division, OAS, CAAC

155, Dongsu West St. Beijing, China

100710

Mail (b)(6)

Tel (b)(6)

发件人 : Sathya Silva <(b)(6)>

发送时间 : 2024-03-20 03:46

主题 : RE: RE: China Eastern

收件人 : "林航" <(b)(6)>

抄送 :

Dear Capt Lin,