



ICAO

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## Agenda Item 5: Asia/Pacific Regional SAR Plan

### EXAMPLE MOU BETWEEN THE SAR SERVICE AND THE ACCIDENT INVESTIGATION AUTHORITY

(Presented by United States)

#### SUMMARY

Cooperation between national SAR services and national accident investigation authorities has been of concern to the Asia/Pacific region for several years. Attachment A is the MOU between the United States national SAR service (U.S. Coast Guard) and its national accident investigation authority (National Transportation Safety Board) regarding cooperation for civil aviation accidents in the maritime environment. This could serve as a possible template for other States to consider.

## 1. INTRODUCTION

1.1 The Asia/Pacific region has been concerned for several years regarding cooperation between national SAR services and national accident investigation authorities. A finding from the Malaysian Flight MH 370 incident noted the lack of clearly defined division of responsibilities between SAR functions in ICAO Annex 12 and accident investigation ‘search and recovery’ function in ICAO Annex 13. The Indonesian accident investigation of Indonesia AirAsia Flight QZ 8501 identified the issue of “The accident investigation should not complicate SAR efforts.” Informal talks in recent years have not found any form of agreement or other written arrangement specifying the coordination between a national SAR service and the national accident investigation authority. The United States recently finalized text for such a memorandum of understanding (MOU). **Attachment A** to this paper provides the MOU as an example.

## 2. DISCUSSION

2.1 In addition to the lessons learned from aviation incidents such as those above, cooperation between the SAR service and the accident investigation authority has been discussed in ICAO documents such as:

- Asia/Pacific SAR Plan Version 2.2, paragraph 7.15 *SAR Promotion*: All States should conduct SAR promotional programs (e.g. Seminars, Workshops and public safety campaigns) to:
  - e) enhance cooperation between SAR services and:
    - vi. accident investigation agencies.

- Global Aeronautical Distress and Safety System (GADSS) Concept of Operations, Chapter 2 High Level Objectives of the GADSS: Improvement in the transition of an event from ICAO Annex 12 (Search and Rescue) to ICAO Annex 13 (Accident Investigation) responsibility.

2.2 The U.S. National Transportation Board, as the national accident investigation authority, is an independent U.S. government investigative agency responsible for civil transportation accident investigation. In this role, the NTSB investigates and reports on aviation accidents and incidents, certain types of highway crashes, ship and marine incidents, pipeline incidents, and railroad accidents. When requested, the NTSB will assist the military and foreign governments with accident investigation. The U.S. Coast Guard also has authority to conduct investigations of maritime (vessels) accidents and incidents. An MOU has been in place for many years between the NTSB and U.S. Coast Guard for cooperation and coordination of investigation of maritime vessel accidents. **Attachment A** to this paper is a new appendix to the existing MOU, and specifically regards SAR operations during aviation accidents in the maritime environment.

2.3 The example MOU in Attachment A has some text specific to the United States but the general content could be consider as a framework for a generic template for inclusion in the Asia/Pacific SAR Plan or the International Aeronautical and Maritime SAR (IAMSAR) Manual.

### **3. ACTION BY THE MEETING**

3.1 The meeting is invited to:

- a) note the information contained in this paper; and
- b) decide if the example MOU in Attachment A could be considered as a framework for a generic template for inclusion in the Asia/Pacific SAR Plan or the International Aeronautical and Maritime SAR (IAMSAR) Manual.

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ATTACHMENT A: EXAMPLE MOU BETWEEN THE SAR SERVICE AND THE ACCIDENT INVESTIGATION AUTHORITY

MEMORANDUM OF UNDERSTANDING BETWEEN  
THE NATIONAL TRANSPORTATION SAFETY BOARD (NTSB) AND  
THE UNITED STATES COAST GUARD (USCG)  
REGARDING INVESTIGATIONS  
AND RELATED MATTERS

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**Protocol for Notification and Cooperation during USCG Search and Rescue (SAR) Operations during an NTSB Investigation**

1. **Purpose.** This Appendix is provided as a supplement to the MOU between the NTSB and the USCG to address the USCG's obligations under Annex 12 to the Convention on International Civil Aviation (ICAO), Search and Rescue.
2. **General.** The USCG is the United States' lead agency with regard to its obligations in support of Annex 12. It establishes and provides SAR services in accordance with the Annex. Additionally, under the US National SAR Plan, the USCG is the Federal SAR Coordinator for US maritime and aeronautical search and rescue regions (SRR) in the maritime environment. The NTSB and USCG agree that coordination and cooperation between the two agencies promotes efficient and effective SAR operations.
3. **SAR Protocols.** The NTSB leads the investigation of all civil aviation accidents or incidents; and with the participation of appropriate military authorities, each accident involving both military and civil aircraft. 49 USC § 1132. The NTSB also investigates major marine casualties as defined in 49 USC § 1131(E) and this MOU. However, the NTSB does not participate in the search and rescue of persons that are involved in either an aviation or maritime accident. It relies on the USCG and other similarly aligned organizations for SAR.
  - a. When a SAR operation involving an aviation accident or major marine casualty occurs in a US SRR in which the USCG is responsible, the USCG will notify the NTSB. The point of contact for the NTSB is its Response Operations Center (ROC), at (xxx) xxx-xxx.
    - 1) If an NTSB investigator-in-charge has been named, the ROC will inform the investigator of the SAR plan.
    - 2) The ROC may share the investigator-in-charge's contact information with the USCG.
    - 3) The USCG SAR point of contact is the Rescue Coordination Center (RCC) or Rescue Sub Center (RSC) responsible for the coordination of the SAR operation.

- b. Typically, the NTSB’s on-scene investigative work will begin after the SAR operation concludes and the recovery phase begins, but it may begin during the SAR operation on a not-to-interfere basis.
  - 1) The NTSB may conduct its investigation of wreckage recovered during a SAR operation. The NTSB investigator-in-charge will coordinate with the RCC or RSC responsible for coordinating the SAR operation to ensure neither agency’s work hinders that of the other.
- c. The USCG will provide data and information related to the SAR operation requested by the NTSB for its accident investigation.
- d. The NTSB and USCG will abide by the terms of this MOU and its Appendices related to Public Affairs Coordination for the public disclosure of any information related to the SAR operation.

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