



NTSB Investigation No. CEN23FA060

Date of Accident: 12-05-22

Accident Location: Oklahoma City, OK

CERTIFICATION OF PARTY REPRESENTATIVE¹

I acknowledge that I am participating in the above-referenced accident or incident investigation, on behalf of my employer who has been named a party to the National Transportation Safety Board (NTSB) safety investigation, for the purpose of providing technical assistance to the NTSB's evidence documentation and fact-finding activities. I understand that as a party participant, I and my organization shall be responsive to the direction of NTSB personnel and may lose party status for conduct that is prejudicial to the investigation or inconsistent with NTSB policies or instructions. No information pertaining to the accident, or in any manner relevant to the investigation, may be withheld from the NTSB by any party or party participant.

I further acknowledge that I have familiarized myself with the attached copies of the revised NTSB Accident/Incident Investigation Procedures (49 C.F.R. Part 831) and "Information and Guidance for Parties to NTSB Accident and Incident Investigations," and will comply, and, if the party coordinator for my party, take all reasonable steps to ensure that the employees and participants of my organization comply, with these requirements. This includes, but is not limited to, the provisions of 49 C.F.R. §§ 831.11 and 831.13, which, respectively, specify certain criteria for participation in NTSB investigations and limitations on the dissemination of investigation information.

No party coordinator or representative may occupy a legal position or be a person who also represents claimants or insurers. I certify that my participation is not on behalf of either claimants or insurers, and that, although factual information obtained as a result of participating in the NTSB investigation may ultimately be used in litigation (at the appropriate time, and in a manner that is not inconsistent with the provisions of 49 C.F.R. § 831.13 and 49 U.S.C. § 1154), my participation is to assist the NTSB safety investigation and not for the purposes of preparing for litigation. I also certify that, after the NTSB Investigator-in-Charge (IIC) releases the parties and party participants from the restrictions on dissemination of investigative information specified in 49 C.F.R. § 831.13, neither I nor my party's organization will in any way assert in civil litigation arising out of the accident any claim of privilege for information or records received as a result of my participation in the NTSB investigation.

 2022.12.06 21:10:42 -06'00' 12-06-22
Signature Date

Ricardo Asensio Senior Air Safety Investigtor
Name & Title

Textron Aviation
Party Organization/Employer

¹ In aviation investigations this form may also be referred to as "Statement of Party Representatives to NTSB Investigation."

**NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)
WASHINGTON, D.C.**

**INFORMATION AND GUIDANCE FOR PARTIES
TO NTSB ACCIDENT AND INCIDENT INVESTIGATIONS**

I. Introduction

This guidance is intended to familiarize participants in NTSB accident and incident investigations with the NTSB investigative process, and the NTSB's expectations regarding the roles and responsibilities of organizations and individual employees of those organizations assigned to work in support of an NTSB investigation.

The Independent Safety Board Act of 1974, as amended, sets forth the powers and responsibilities of the NTSB, and all participants are encouraged to review its provisions. A recent compilation of these statutory provisions can be reviewed on the NTSB's website: http://www.nts.gov/alj/2003_Statute.PDF.

In addition, participants should be familiar with the NTSB's regulations governing accident and incident investigation procedures: 49 C.F.R. Part 831. These and other NTSB regulations can be viewed on the Government Printing Office's website: <https://www.gpo.gov/fdsys/pkg/CFR-2016-title49-vol7/pdf/CFR-2016-title49-vol7-subtitleB-chapVIII.pdf>.

II. The NTSB and the Investigative Process

The NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation—railroad, highway, marine, pipeline and hazardous materials—and issuing an official determination regarding probable cause and, as appropriate, safety recommendations to prevent future accidents. The NTSB also investigates certain incidents that present significant safety issues. The NTSB strives to accurately identify and report all relevant facts, conditions, and circumstances relating to each accident or incident it investigates.

Safety recommendations are the most important product of an NTSB investigation. NTSB safety recommendations are based on findings of the investigation and may address deficiencies that do not pertain directly to what is ultimately determined to be the probable cause of the accident. The NTSB may issue safety recommendations before the completion of a specific investigation and may designate some recommendations as "urgent."

For major accidents, the NTSB dispatches a "Go Team." The purpose of the NTSB Go Team is to deploy NTSB investigators to the accident scene as quickly as possible and assemble the broad spectrum of technical expertise that is needed to investigate complex transportation accidents.

The NTSB designates other organizations whose employees, functions, activities, or products were involved in the accident or incident as parties to the NTSB investigation to facilitate the rapid and complete acquisition of all relevant factual information. Except for the Federal Aviation Administration (FAA) and the Coast Guard, which by law are automatically designated a party to an NTSB investigation in their respective mode, the NTSB has complete discretion over which organizations it designates as parties to an investigation. Only those organizations that can provide technical expertise or knowledge to an NTSB investigation are granted party status, and only those persons who can provide the NTSB with needed technical expertise or specialized knowledge are permitted to participate in an investigation.

Parties, and party representatives or participants, to an NTSB investigation only participate directly in the fact-finding phase of an NTSB investigation. Although parties are encouraged to submit their own proposed findings and analysis regarding an accident, at the appropriate time, NTSB staff independently conducts its own analyses of the factual information developed during the investigation.

Persons occupying legal positions, pursuing litigation interests, or representing claimants or insurers, are not permitted to be involved in an NTSB investigation.

III. Role and Responsibilities of Parties to the Investigation

At the discretion of the investigator-in-charge (IIC), the NTSB may invite various qualified and interested organizations whose employees, functions, activities, or products were involved in the accident or incident, and who can provide suitable qualified technical personnel actively to assist in the investigation, to participate as parties to the fact-finding phase of the NTSB investigation. Participation as a party to an NTSB investigation is a privilege and confers no rights or benefits. The “party system” utilized by the NTSB to investigate accidents has been in use for decades, primarily because it is the most effective investigatory process for major transportation accidents. Parties are asked to participate in an NTSB investigation because the IIC believes they have unique knowledge or technical expertise, relevant to the investigation, that will assist NTSB staff in developing the most complete and accurate factual record. Only those party employees who have suitable and needed technical qualifications will be permitted to work on the NTSB investigation.

There are other, ancillary advantages to the “party system.” In addition to the synergistic and cooperative effects that arise from use of the “party system,” a collateral purpose is to ensure that, with appropriate coordination with the NTSB, responsible officials of party organizations whose products or services were involved in the accident or incident will have access to information necessary to expeditiously initiate any necessary preventive and/or corrective actions.

Parties and party participants may not withhold any information pertaining to the accident, or in any manner relevant to the investigation, from the NTSB.

Parties and party participants in the investigation shall be responsive to the direction of NTSB personnel and may lose party status if they conduct themselves in a manner prejudicial to the investigation or do not comply with NTSB instructions.

Each participating party will designate a party coordinator (spokesman) for its organization. The party coordinator will be the NTSB's direct and official point-of-contact for the party and should, therefore, be available to the IIC at all times during the on-scene investigation and periodically available on short notice during the post on-scene phase of the investigation. This party coordinator must have sufficient status and authority within his/her organization to effect a complete and timely response with minimal need for higher approval or coordination in response to a request of the IIC. During the on-scene phase of the investigation, and any additional field investigation activities, party coordinators are responsible for the behavior of their organization's employees or representatives.

All participants in an NTSB investigation (with the exception of representatives from federal regulatory agencies and law enforcement agencies, and Accredited Representatives of foreign governments and their foreign Technical Advisors) will be required to sign the "Certification of Party Representative," which is a statement of compliance with NTSB investigation procedures, rules, and restrictions. Party coordinators are responsible for ensuring that all group participants from their organization sign the NTSB statement of compliance.

IV. (Aviation and Marine Modes Only) The Role of the FAA or Coast Guard in the Investigation

Pursuant to statute, the FAA is automatically afforded party status to all NTSB aviation investigations, "[i]n order to assure the proper discharge by the Secretary of Transportation of his duties and responsibilities[.]"

Also pursuant to statute, the Secretary of the department in which the Coast Guard is operating, generally through the Commandant of the Coast Guard, is automatically afforded party status to all NTSB marine investigations.

V. (Aviation Mode Only) Accredited Representatives of Foreign Governments

The Accredited Representative of a foreign government and his or her properly designated advisors will be afforded the courtesies and rights as outlined in Annex 13 to the Convention of International Civil Aviation. The NTSB restriction on dissemination of accident information applies to all those supporting an NTSB investigation as advisors to the NTSB on foreign-led accident investigations or to an Accredited Representative in NTSB-led accident investigations involving a non-U.S. State of Design/Manufacture, State of Operator, or State of Registration. [The Accredited Representative and foreign Technical Advisors are not required to sign the party form.]