

National Transportation Safety Board

Office of the Chief Information Officer

FOIA Office (CIO-40)

Washington, DC 20594



April [REDACTED], 2026

Mr. [REDACTED]

此处为我的个人信息故涂黑

Re: National Transportation Safety Board (NTSB)
Freedom of Information Act (FOIA) No. FOIA-202[REDACTED]
March 21, 2022, Wuzhou, China (DCA22WA102)

Dear Mr. [REDACTED]:

This letter responds to your FOIA request dated January [REDACTED] 2026, seeking the following records related to the above-referenced accident investigation:

1. Final or Completed Report / Technical Summary (if any) Any final or completed NTSB report, technical memorandum, factual report, readout summary, briefing document, or other written summary prepared by the NTSB concerning China Eastern Airlines Flight MU5735. If no single “final report” exists, please provide the most final or complete NTSB-produced written summary or summaries that memorialize the NTSB’s assistance in the investigation and its results in finalized form.
2. Communications Log or Index with CAAC (March 21–May 21, 2022) Any existing communication log, index, tracker, register, or similar record maintained by the NTSB that lists or summarizes communications between the NTSB and the Civil Aviation Administration of China (CAAC) relating to China Eastern Airlines Flight MU5735 for the period March 21, 2022, through May 21, 2022.

As you may know, the China government was the lead investigative authority on Investigation No. DCA22WA102, in accordance with Aircraft Accident and Incident Investigation, Annex 13 to the Convention on International Civil Aviation (9th ed. 2001).

The Safety Board’s enabling statute, 49 U.S.C. § 1114(f) addresses the Board’s compliance with Annex 13 to the Convention on International Civil Aviation, and precludes the Board from releasing information from a foreign investigation, until the investigation fulfills specific criteria:

(f) FOREIGN INVESTIGATIONS.—

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.

In this case, two years have passed since the date of the accident. Accordingly, the Board is releasing certain records relating to this investigation.

The Safety Board located 2,818 pages of records responsive to your request. Enclosed are 1,959 pages, two Excel spreadsheets, and three FDR files, a total of 13 files, which are being delivered via Box, a secure cloud-based sharing platform. However, we withheld certain information partially and in full pursuant to the exemptions specified below.

We withheld, pursuant to 5 U.S.C. 552(b)(4), commercially sensitive or proprietary information voluntarily given us “of a kind that would customarily not be released to the public by the person from whom it was obtained.” *See Critical Mass Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992). Pursuant to this exemption, we withheld 26 pages in full consisting of manuals and proprietary data.

We determined that certain documents are exempt from release under 5 U.S.C. § 552(b)(5) (“Exemption 5”), which exempts from disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested.” Exemption 5 protects agency records that are predecisional and deliberative. *National Wildlife Fed’n v. U.S. Forest Serv.*, 861 F.2d 1114 (9th Cir. 1988); *Jowett, Inc. v. Department of the Navy*, 729 F. Supp. 871 (D.D.C. 1989). Overall, Exemption 5 justifies withholding material that reflects the Safety Board’s deliberative process in order to ensure the free flow of information during investigations and other agency work. *Mead Data Cent., Inc. v. Department of the Air Force*, 566 F.2d 242, 256 (D.C. Cir. 1977). Pursuant to this exemption, we partially redacted 122 pages and withheld 478 pages in full consisting of pre-decisional, deliberative material, preliminary information, analysis, and draft documents.

Personal information including autopsy information and graphic photographs, Social Security numbers, and other personally identifying details is withheld pursuant to 5 U.S.C. § 552(b)(6), which exempts from disclosure “personnel and medical files and similar files the disclosure of

which would constitute a clearly unwarranted invasion of personal privacy,” including items such as personal addresses, phone numbers, email addresses and similar sensitive data. Pursuant to this exemption, we partially redacted 192 pages and withheld 355 pages in full containing personal privacy-protected information.

In several documents enclosed with this letter, we determined that exemption(s) to the FOIA required that we redact a limited amount of material. The redactions are clearly marked, and the applicable exemption(s) are noted at the place of the redaction.

With respect to the FDR files, specialized software is required to import and interpret the data. Even with the appropriate software, the data would not be usable without the manufacturer’s proprietary documentation. Additionally, the Safety Board does not possess any CVR data responsive to your request.

Some of the responsive documents identified during our search originated with another federal agency, the Federal Aviation Administration (FAA). Pages or portions of pages that originated with the FAA have been marked as “Referred” or “Other Reason.” In accordance with standard government practice, these documents have been referred to the FAA for a determination on whether they may be released to you. You will receive a response from the FAA directly regarding these records.

We did not locate any other records responsive to your request other than this information.

The NTSB has completed processing your FOIA request, and we are waiving all fees at this time. In accordance with the standard codified in the statute, even where an exemption would otherwise apply, agencies may withhold information only when (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates; or (2) disclosure is prohibited by law. See 5 U.S.C. § 552(a)(8)(A)(i). The NTSB considered the foreseeable harm standard when reviewing records and applying FOIA exemptions in response to this FOIA request and has determined that releasing the records would create a foreseeable harm. Disclosure of the information would chill agency officials’ ability to candidly discuss policy options and confuse the public where options being considered are not ultimately adopted.

You may contact our FOIA Public Liaison at 202-314-6540, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: OGIS, NARA, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you have the right to appeal this determination under the FOIA. You may administratively appeal by writing to the NTSB, Attn:

Ms. Dana Schulze, Managing Director, 490 L'Enfant Plaza, SW, Washington, D.C. 20594. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.

Sincerely,

for
Roger Castillo
Acting FOIA Officer

Enclosure