

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Emergency Notice of Enforcement Policy**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Emergency notice of enforcement policy.

SUMMARY: This emergency notice of enforcement policy is necessary to address safety concerns regarding air transportation of oxygen generators arising from investigation of a recent accident involving a passenger-carrying aircraft.

EFFECTIVE DATE: May 23, 1996.

FOR FURTHER INFORMATION CONTACT: Peter J. Lynch, Assistant Chief Counsel for Enforcement, Enforcement Division, Office of the Chief Counsel, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9956

The text of the FAA emergency notice of enforcement policy follows: The National Transportation Safety Board

and the FAA are investigating a recent accident involving a passenger aircraft. Preliminary evidence indicates that oxygen generators (containing a chemical or chemicals intended to release oxygen upon activation) were carried as cargo on board the aircraft and may have caused or contributed to the severity of the accident.

The Research and Special Programs Administration has amended the Department of Transportation (DOT) Hazardous Materials Regulations, to prohibit the offering for transportation or transportation of oxygen generators as cargo in passenger-carrying aircraft. The rule applies to both foreign and domestic aircraft entering, leaving, or operating in the United States and to any person offering an oxygen generator for transportation on any of those aircraft.

The FAA enforces the DOT Hazardous Materials Regulations as they apply to the shipment of transportation of such materials by air. Any person who violates these regulations is subject to a civil penalty of up to \$25,000 for each violation. In determining the amount of

the civil penalty, the FAA considers, among other things, the nature, circumstances, extent, and gravity of the violation. The FAA considers the offering or transporting of such oxygen generators in violation of the regulations to be an extremely serious offense.

TAKE NOTICE that, effective immediately, any person who, in violation of the DOT Hazardous Materials Regulations, offers for transportation or transports oxygen generators as cargo aboard a passenger-carrying aircraft will be subject to swift enforcement action, including, but not limited to significant civil penalties and appropriate judicial remedies.

Further, any person who willfully violates a DOT Hazardous Materials Regulations is subject to criminal penalties of up to 5 years in prison and/or fines.

Issued in Washington, DC, on May 23, 1996.

David R. Hinson,
Administrator.

[FR Doc. 96-13414 Filed 5-23-96; 1:31 pm]

BILLING CODE 4910-13-M