

Sincerely,
 Troy H. Cribb,
*Chairman, Committee for the Implementation
 of Textile Agreements.*
 [FR Doc. 96-18489 Filed 7-19-96; 8:45 am]
 BILLING CODE 3510-DR-F

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Dockets OST-96-1384 and OST-96-1385]

Applications of United Parcel Service Co. for Issuance of New Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 96-7-24).

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue orders (1) finding United Parcel Service Co. fit, willing, and able, and (2) awarding it certificates to engage in interstate and foreign charter air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than August 1, 1996.

ADDRESSES: Objections and answers to objections should be filed in Dockets OST-96-1384 and OST-96-1385 and addressed to the Documentary Services Division (C-55, Room PL-401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Janet A. Davis, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

Dated: June 16, 1996.
 Patrick V. Murphy,
*Deputy Assistant Secretary for Aviation and
 International Affairs.*
 [FR Doc. 96-18523 Filed 7-19-96; 8:45 am]
 BILLING CODE 4910-62-P

Federal Aviation Administration

[AC 120-XX]

Proposed Advisory Circular (AC) 120-XX, Air Transportation Partnership for Safety Programs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Advisory Circular (AC) 120-XX, and request for comments.

SUMMARY: This notice announces the publication of, and requests comments on, a proposed AC that provides guidance for establishing air transportation partnership for safety programs. These programs, which are entered into by the FAA and entities within the air transportation industry, are intended to generate safety information that may not otherwise be obtainable. The FAA is implementing a 2-year demonstration program for the use of these programs under which information can be collected and analyzed to measure the programs' effect on safety.

DATES: Comments must be received on or before August 21, 1996.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Air Transportation Division, AFS-200, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Kent Stephens, AFS-230, Federal Aviation Administration, P.O. Box 20034, Dulles International Airport, Washington, DC 20041, or telephone (703) 661-0333 x5131.

SUPPLEMENTARY INFORMATION: The proposed AC may be downloaded from the FedWorld BBS by dialing (703) 321-8020, ANSI, 8, 1, N, 9600 baud, or through the Internet at the following Uniform Resource Location (URL): [flp:/fwux.fedworld.gov/pub/faa/faa.htm](http://fwux.fedworld.gov/pub/faa/faa.htm). The file name is "AC XX-XX.TXT."

Comments Invited

Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify the AC, and submit comments, in duplicate, to the address specified above. All comments received on or before the closing date for comments will be considered by the Air Transportation Division, AFS-200, before issuing the final AC. Comments may be inspected at Federal Aviation Administration, Air Transportation Division, AFS-200, 800 Independence Ave., SW., Washington, DC 20591 between the hours of 9:00 a.m. and 4:00 p.m. weekdays, except Federal holidays.

Background

In recent years, the FAA and the air transportation industry have sought alternative means for addressing safety problems and identifying potential safety hazards. To this end, the FAA, in

cooperation with industry, established several demonstration partnerships for safety programs in an effort to increase the flow of safety information to both the air carrier and FAA. Among these programs were the USAir Altitude Awareness Program, the American Airlines Safety Action Program (ASAP), and the Alaska Airlines Altitude Awareness Program. As an outcome of the Safety Conference held on January 9-10, 1995, the Secretary of Transportation and the Administrator of the Federal Aviation Administration (FAA) announced that standardized policy and procedures would be provided for the use of these programs. Following publication of a final AC, the FAA will amend appropriate agency orders to provide internal guidance for the development of partnership for safety programs.

Issued in Washington, DC, on July 17, 1996.

Thomas C. Accardi,
Director, Flight Standards Service.

The text of the proposed AC reads as follows:

1. *Purpose.* This advisory circular (AC) provides guidance for establishing air transportation partnership for safety programs (partnership for safety programs). As an outcome of the Safety Conference held on January 9-10, 1995, the Secretary of Transportation and the Administrator of the Federal Aviation Administration (FAA) announced that standardized policy and procedures would be provided for the use of these programs.

2. *Background.* In recent years, the FAA and the air transportation industry have sought alternative means for addressing safety problems and identifying potential safety hazards. To this end, the FAA, in cooperation with industry, established several demonstration partnership for safety programs in an effort to increase the flow of safety information to both the air carrier and FAA. Among these programs were the USAir Altitude Awareness Program, the American Airlines Safety Action Program (ASAP), and the Alaska Airlines Altitude Awareness Program. These programs included incentives to encourage employees of certificate holders participating in the programs to disclose information and identify possible violations of the Federal Aviation Regulations without fear of punitive legal enforcement sanctions. Events reported under a program that involved an alleged violation of the Federal Aviation Regulations by the certificate holder were handled under the voluntary disclosure policy, provided the elements of that policy

were satisfied. The FAA is expanding the use of partnership for safety programs through the implementation of a 2-year demonstration program under which information and data can be collected and analyzed to measure their effect on aviation safety.

3. *Key Terms.* The following key terms and phrases are defined to ensure a standard interpretation of the guidance in this AC:

a. *Administration Act.* Administrative action is a means for disposing of violations or alleged violations that do not warrant the use of legal enforcement sanctions. The two types of administrative action are a warning notice and a letter of correction:

b. *Air Carrier.* An air carrier is a person who undertakes directly by lease, or other arrangement, to engage in air transportation.

c. *Certificate Holder.* For purposes of partnership for safety programs, a certificate holder refers to a person authorized to operate under part 121 of the Federal Aviation Regulations or who holds a certificate issued under part 145 of the Federal Aviation Regulations.

d. *Certificate Holding District Office (CHDO).* The CHDO is the Flight Standards District Office (FSDO) having responsibility for the geographic area in which a certificate holder's principal base of operations is located.

e. *Enforcement-Related Incentive.* For purposes of partnership for safety programs, an enforcement-related incentive refers to an assurance that lesser enforcement action will be used to address certain alleged violations of the Federal Aviation Regulations to encourage participation by certificate holder employees.

f. *Major Domestic Repair Station.* For purposes of partnership for safety programs, a major domestic repair station refers to a part 145 repair station located in the United States certificated to perform airframe and/or engine work on transport category aircraft having a maximum takeoff gross weight of 75,000 lbs. or greater.

g. *Memorandum of Understanding.* For purposes of partnership for safety programs, memorandum of understanding (MOU) refers to the written agreement between two or more parties setting forth the purposes for, and terms of, a partnership for safety program.

h. *Party/Parties.* For purposes of partnership for safety programs, the terms "party/parties" refers to the certificate holder, the FAA, and any other person or entity (e.g., labor union or other industry or Government entity) that is a signatory to the MOU.

i. *Safety-Related Report.* A safety-related report refers to a written account of an event that involves an operational or maintenance issue related to safety of flight, reported through a partnership for safety program.

j. *Voluntary Disclosure Policy.* The voluntary disclosure policy is a policy under which part 121, 135, and 145 certificate holders may voluntarily report alleged violations of the Federal Aviation Regulations and develop corrective action satisfactory to the FAA to preclude their recurrence. Certificate holders who satisfy the elements of the voluntary disclosure policy, receive a letter of correction in lieu of civil penalty action. Voluntary disclosure reporting procedures are outlined in AC 120-56.

4. *Applicability.* Partnership for safety programs are intended for air carriers that operate under part 121 of the Federal Aviation Regulations. They are also intended for major domestic repair stations certificated under part 145 of the Federal Aviation Regulations. Partnership for safety programs are entered into voluntarily by the FAA, a certificate holder, and if appropriate, other parties.

5. *Development.* Certificate holders may develop programs and submit them to the FAA for review and acceptance in accordance with the guidance in this AC. The FAA will determine whether a program is accepted. The FAA may suggest that a certificate holder develop a partnership for safety program to resolve an identified safety problem.

6. *Resources.* A partnership for safety program can result in a significant commitment of resources by the parties to the program. During the development of a program, it is important that each party is willing to commit the necessary personnel, time, and monetary resources to support the program.

7. *Enforcement Policy.*

a. *Enforcement-Related Incentive.* Partnership for safety programs may include an enforcement-related incentive to encourage participation by certificate holder employees. Any enforcement-related incentive should be limited to that needed to achieve the desired goal and results of the program. Alleged violations of the Federal Aviation Regulations by certificate holder employees disclosed through safety-related reports will ordinarily be addressed with administrative action provided the alleged violations do not involve deliberate misconduct; a serious and substantial deviation from required conduct; criminal conduct; an accident; or conduct that demonstrates, or raises a question of, a lack of qualification. Alleged violations that involve

deliberate misconduct; a serious and substantial deviation from required conduct; criminal conduct; an accident; and conduct that demonstrates, or raises a question of, a lack of qualification are excluded from a partnership for safety program. Any enforcement-related incentive will not apply to these violations. Failure of any individual to complete any corrective action in a manner acceptable to the FAA may result in the reopening of the case and referral of the alleged violation for legal enforcement action.

b. *Repeated Instances of Misconduct.* Notwithstanding the guidance in paragraph 205 of FAA Order 2150.3A, Compliance and Enforcement Program, repeated instances involving the same or similar type of misconduct previously addressed with administrative action under the program, may also be covered under the program. The determination whether a repeated violation will be covered under a program will be made by the FAA on a case-by-case basis, upon consideration of the facts and circumstances surrounding the violation.

c. *Use of Safety-Related Reports.* All safety-related reports should be fully evaluated and, to the extent appropriate, investigated by the FAA. Any safety-related report that concerns an alleged violation(s) that is excluded from partnership for safety programs, i.e., alleged violations involving deliberate misconduct; a serious and substantial deviation from required conduct; criminal conduct; an accident; or conduct that demonstrates, or raises a question of, a lack of qualification, will be referred to an appropriate office within the FAA for any additional investigation and reexamination and/or legal enforcement action, as appropriate. A closed case involving a violation addressed with the enforcement-related incentive, or for which no action is taken, may be reopened and appropriate legal enforcement action taken if evidence later is discovered that establishes that the violation should have been excluded from the program. For alleged violations not excluded under a partnership for safety program, neither administrative action nor punitive legal enforcement action will be taken against an individual for an alleged violation reported under the program unless there is sufficient evidence of the violation, other than the individual's safety-related report. "Sufficient evidence" means evidence gathered by an investigation not caused by, or otherwise predicated on, the individual's safety-related report.

d. *Violations of Certificate Holder.* Alleged violations of certificate holders

disclosed through a safety-related report under a partnership for safety program will be handled under the voluntary disclosure policy, provided the certificate holder voluntarily reports the alleged violations to the FAA and the other elements of that policy are met. (See AC 120-56 and FAA Order 2150.3A, Compliance and Enforcement Program, Compliance/Enforcement Bulletin No. 90-6).

e. *Examples.* The following are examples of events that might be reported under a partnership for safety program and the probable action that would be taken by the FAA for an alleged violation disclosed by the safety-related report.

(1) Examples of events where an alleged violation ordinarily would be addressed by the enforcement-related incentive.

(i) A pilot reports an altitude deviation where the aircraft was assigned by ATC to climb to an altitude of 10,000 ft. MSL, but actually levels off at 11,000 ft. MSL. Evidence of the violation, other than the safety-related report, (e.g., air traffic control tape, air traffic controller's statements) is gathered by an investigation not caused by, or otherwise predicated on, the filing of the safety-related report. The pilot's alleged violation does not involve conduct that is excluded from the partnership for safety program. The alleged violation therefore would be addressed by the enforcement-related incentive.

(ii) A repair station technician reports that he/she was assigned to accomplish a required inspection (RII); however, he/she inadvertently neglected to sign the check sheet that the inspection was completed. Evidence of the alleged violation, other than the technician's safety-related report, reveals that the inspection was accomplished and the check sheet was not signed. This evidence was gathered by an investigation not caused by, or otherwise predicated on, the filing of the safety-related report. The alleged violation does not involve conduct that is excluded from the partnership for safety program. The technician's alleged violation therefore would be addressed by the enforcement-related incentive.

(2) Examples of events involving an alleged violation that is excluded from the partnership for safety program and to which the enforcement-related incentive would not apply.

(i) A pilot submits a report indicating that after takeoff he/she operated an aircraft below an altitude of 1,000 ft. AGL over a congested area. Investigation of this event revealed that the aircraft was deliberately flown at an altitude of

500 ft. AGL over a city ten miles from the airport. Due to the deliberate nature of the pilot's conduct, it would not be covered under the partnership for safety program and the alleged violation would not be addressed by the enforcement-related incentive. The safety-related report would be referred for legal enforcement action.

(ii) A technician submits a report stating that he/she had used a lubricant other than what was stated in the maintenance manual for an engine valve installation. No authorized substitute lubricants were available. The investigation revealed that the technician intentionally used a substitute non-approved lubricant. These actions were not in accordance with the maintenance manual or company procedures. Because these actions were a substantial deviation from required conduct, and intentional, the technician's conduct would not be covered under the partnership for safety program and the alleged violation would not be addressed by the enforcement-related incentive. The safety-related report would be referred for reexamination and/or legal enforcement action.

(3) Example of an event where no action would be taken for an alleged violation disclosed through a safety-related report.

(i) A pilot reports an altitude deviation where the aircraft was assigned by ATC to climb to an altitude of 10,000 ft. MSL, but actually levels off at 11,000 ft. MSL. The only evidence of the deviation is the pilot's safety-related report filed under the partnership for safety program. Since the pilot's safety-related report will not be used as evidence to support taking punitive legal enforcement action or administrative action against the pilot, and no other evidence of the alleged violation is available, there is insufficient evidence to support a violation of the Federal Aviation Regulations. Therefore, the case would be closed with no action.

8. *Corrective Action.* The FAA will work with a certificate holder to develop acceptable corrective action that should be taken based on information obtained under a partnership for safety program. The decision to accept the corrective action implemented under a partnership for safety program in lieu of legal enforcement action remains solely with the FAA.

9. *Memorandum of Understanding (MOU).* The provisions of a partnership for safety program that is acceptable to the FAA should be set forth in a MOU signed by each party. A program will be

implemented in accordance with the provisions of its MOU. A sample is provided in the appendix of this document. Each MOU will be based on the parties' different needs and purposes for a partnership for safety program.

a. The MOU should set forth the elements of the partnership for safety program, including at least the following:

(1) A statement of the essential safety information that is reasonably expected to be obtained through the program and the safety problem(s) that is reasonably expected to be addressed through the program.

(2) The benefits to be gained by the program.

(3) The duration of the program, which should be limited to the period of time needed to achieve the desired goals and benefits articulated in the program. Programs initially should have a duration of no longer than 1 year and should be reviewed prior to renewal.

(4) A process for timely reporting to the FAA all events disclosed under the program; procedures for the resolution of those events that are safety-related; and procedures for continuous tracking and analysis of safety-related events.

(5) Any enforcement-related incentive that is needed to achieve the desired goal and results of the program.

(6) The frequency of periodic reviews by the parties to determine whether the program is achieving the desired results. These reviews are in addition to any other review conducted by the FAA.

(7) A point of contact within each party who is responsible for oversight of the program.

(8) A process for training and distributing information about the program to certificate holder employees and procedures for providing feedback to individuals who make safety-related reports under the program.

b. The MOU also should address the following elements that will pertain to any partnership for safety program.

(1) The program can be terminated at any time by any party.

(2) Failure of any party to follow the terms of the agreement ordinarily will result in termination of the program.

(3) Failure of a certificate holder to follow through with corrective action acceptable to the FAA to resolve any safety deficiencies ordinarily will result in termination of the program.

(4) Modifications of the MOU must be approved by all parties.

(5) Termination or modification of a program will not adversely affect anyone who acted in reliance on the terms of a program in effect at the time of that action, i.e., when a program is

terminated all reports and investigations that were in progress will be handled under the provisions of the program until they are completed.

(6) Any enforcement-related incentive will not apply to alleged violations involving deliberate misconduct; a serious and substantial deviation from required conduct; criminal conduct; an accident; or conduct that demonstrates, or raises a question of, a lack of qualification.

c. The MOU must be signed by an authorized representative of each party. The MOU will be signed by the CHDO manager on behalf of the FAA after coordination with the Director, Flight Standards Service, AFS-1, and the Associate Administrator for Regulation and Certification, AVR-1.

10. *Acceptance/Renewal Procedures.*

a. The certificate holder should initially develop and present a program to the CHDO for review. The CHDO and the certificate holder will review it to ensure that it satisfies the guidance provided in this AC, FAA Order 2150.3A, Compliance and Enforcement Program, and Flight Standards handbooks for establishing a partnership for safety program. Prior to acceptance, a program will be reviewed to ensure that FAA resources are available to administer the program effectively. When the FAA determines that a program proposal requires excessive agency resources, a matter within the sole discretion of the FAA, it will suggest modifications to the program proposal or disapprove the proposal.

b. When the CHDO is satisfied that a program satisfies the guidance in this AC, FAA Order 2150.3A, Compliance and Enforcement Program, and Flight Standards handbook guidance, the CHDO manager will forward two copies of the MOU through the Flight Standards Division regional office to the appropriate headquarters program office(s), i.e., AFS-200 for operations programs and AFS-300 for airworthiness programs and repair station programs and to both offices for programs that encompass both operations and airworthiness. The program offices will review and forward the MOU to the Office of the Chief Counsel for appropriate legal review. All programs must receive final approval of the Director, Flight Standards Service, AFS-1, and Associate Administrator for Regulation and Certification, AVR-1. AFS-1 will indicate approval of the MOU by FAA memorandum to the CHDO Manager. Following approval by AFS-1 and AVR-1, the CHDO manager will sign the MOU on behalf of the FAA.

c. Program renewal will be handled in accordance with the guidance for the review and renewal of programs, provided in FAA Order 2150.3A, Compliance and Enforcement Program. The CHDO will forward its recommendation whether a program should be renewed, along with supporting information, in accordance with the procedures outlined in Flight Standards handbooks.

11. *Recordkeeping.* The parties should maintain those records necessary for a program's administration and evaluation.

Appendix 1. Sample Memorandum of Understanding (MOU)

This is a sample of a memorandum of understanding (MOU) for an air transportation partnership for safety program. It is for illustrative purposes; an actual MOU developed by a certificate holder may be different from this sample. An MOU should address the elements of a partnership for safety programs that are set forth in FAA guidance material.

Memorandum of Understanding

General

ABC Airlines, Inc. is a Federal Aviation Regulation part 121 domestic air carrier engaged in scheduled passenger operations within the United States, Mexico, and Canada. It also conducts passenger charter and cargo operations. ABC Airlines operates 100 turbojet aircraft and has over 3500 employees including 1100 flight crewmembers (pilots and flight engineers) represented by ABC pilot union.

Purpose

Over the past six months ABC Airlines has experienced an increase in certain types of incidents that have resulted in problems relating to safety of flight, including violations of the Federal Aviation Regulations by the company and its flight crewmembers. Such incidents have occurred during all phases of flight and have involved the following: noncompliance with air traffic control (ATC) clearances, e.g., routing, heading, and altitude deviations; runway and taxiway incursions; and departure without proper flight plan fuel onboard. To obtain valuable safety information that may lead to correcting these and other safety of flight problems, ABC Airlines is entering into a partnership for safety program with its flight crewmembers, represented by ABC pilot union, and the FAA. This memorandum of understanding (MOU) describes the

provisions of the program. The objective of the program will be to gather safety information from the flight crewmembers that will focus on the incidents described above and to obtain information concerning any additional safety of flight item that a flight crewmember believes should be reported. The information will be analyzed in order to develop and implement solutions to safety problems identified under the program.

Benefits

The program will provide a voluntary, cooperative, non-punitive environment for the open reporting of safety of flight concerns. Through such reporting all parties will have access to valuable information that may not otherwise be obtainable. This information will be analyzed in order to develop corrective action to solve safety problems and minimize deviations from the Federal Aviation Regulations.

Applicability

The ABC Airlines Pilot Partnership Program (APPP) applies to all flight crewmember employees of ABC Airlines. Alleged violations of the Federal Aviation Regulations that involve deliberate misconduct; a serious and substantial deviation from required conduct; criminal conduct; an accident; or conduct that demonstrates, or raises a question of, a lack of qualification are excluded from the program. Repeated instances involving the same or similar type of misconduct previously addressed by the enforcement-related incentive may be covered under the program. The determination whether a repeated instance will be covered under the program will be made by the FAA on a case-by-case basis.

Apparent violations of the Federal Aviation Regulations by ABC Airlines that are discovered under this program will be handled under the voluntary disclosure policy, provided ABC Airlines voluntarily reported the alleged violations to the FAA and the other elements of that policy are met. (See AC 120-56 and FAA Order 2150.3A, Compliance and Enforcement Program, Compliance/Enforcement Bulletin No. 90-6). Any modifications of this MOU must be approved by all parties to the agreement.

Program Duration

The APPP is designed to identify and correct specific problems related to flight safety at ABC Airlines. The duration of the program will be 1 year, beginning the date it is implemented by the parties to this MOU. The program may be terminated at any time for any

reason by ABC Airlines, the FAA, or any other party. If the program is terminated, all safety-related reports that have been submitted will continue to be processed under the MOU in effect at the time of the program's termination. If necessary, the program may be renewed at the end of 1 year provided that a final review and analysis supports renewal of the program and all parties agree to renewal of the program. Failure of any party to follow the terms of the program ordinarily will result in termination of the program. Failure of ABC Airlines to follow through with corrective action to resolve any safety deficiencies ordinarily will result in termination of the program.

Reporting Procedures

When a pilot observes a safety problem or experiences an incident during flight, he/she should note the problem or incident and be able to describe it in enough detail so that it can be evaluated by a third party. For example, if the safety incident involves a deviation from an ATC clearance the pilot should note the date, time, place, altitude, flight number, and ATC frequency along with enough other information describing the incident and any perceived safety problem. After the trip sequence has ended for that day the pilot should complete ABC Airlines APPP form number 123 for each safety problem or incident (hereinafter referred to as "report") and submit it by company mail to the Director of Flight Operations, Attn: APPP Manager. This should be accomplished in a timely manner. In order for the flight crewmember who submitted the report to be covered under the partnership for safety program and eligible for any FAA enforcement-related incentive, the report must be mailed within 24 hours after the end of the flight sequence for the day of occurrence, absent extraordinary circumstances. For example, if the incident occurred at 14:00 Hrs. on Monday and the pilot completes his/her flight sequence for that day at 19:00 Hrs., the report should be mailed no later than 19:00 Hrs. the following day (Tuesday). In order for all flight crewmembers to be covered under the APPP for any regulatory violations resulting from an incident, they must all sign the same report or submit separate individual reports for the same incident. If the company mail system is not available to the flight crewmember at the time he/she needs to file a report, the crewmember may contact the APPP manager's office and file a report via fax or telephone.

Point of Contact

The Event Review Committee (ERC) will be comprised of the APPP manager, representing ABC Airlines Flight Department management; the APPP coordinator for ABC Pilot Union; and an FAA inspector from the FAA Certificate Holding Flight Standards District Office (CHDO) for ABC Airlines, or designees in their absence.

APPP Manager

When the report is received by the APPP manager, he/she will record the date and time of any incident described in the report and the date and time that the report was submitted through the company mail system. The APPP manager will enter the report, along with all of the supporting data, on the agenda for the next ERC meeting. Untimely reports may still be considered by the ERC if extraordinary circumstances precluded timely submission of the report, e.g., a flight crewmember became ill requiring hospitalization at the termination of the flight. In those cases, the report should be mailed via company mail as soon as is reasonably possible. The FAA representative to the ERC will determine whether a report is submitted in a timely manner. To confirm that a report has been received, the APPP manager will send a written receipt (ABC Airlines APPP form number 234) through the company mail system to each flight crewmember who submits a report. The receipt will confirm whether or not the report was determined to be timely. The APPP manager will serve as the focal point for information about, and inquiries concerning the status of, APPP reports, and for the coordination and tracking of recommendations.

Event Review Committee (ERC)

The ERC will review and analyze reports submitted by flight crewmembers under the program, identify actual or potential safety problems from the information contained in the reports, and propose solutions for those problems. The ERC is responsible for tracking the status of each APPP report and for providing feedback to the individual who submitted the report. It will also conduct a review of the program six months after its inception. This review is in addition to any other reviews conducted by the FAA. The ERC also will be responsible for preparing a final report on the program at its conclusion. If renewal of the program is anticipated, the ERC will prepare and submit that report to the FAA 60 days in advance

of the termination date for the initial program.

ERC Process

The ERC will meet as necessary to review and analyze reports that will be listed on an agenda submitted by the APPP manager. The ERC will determine the time and place of the meeting. The ERC will meet at least twice a month; the frequency of meetings will be determined by the number of reports that have accumulated. It is anticipated that three types of reports will be submitted to the ERC: safety-related reports that appear to involve a violation(s) of the Federal Aviation Regulations; reports that are of a general safety concern but do not appear to involve a violation(s) of the Federal Aviation Regulations; and any other reports, e.g., reports involving catering and passenger ticketing issues. The ERC will forward non-safety reports to the appropriate ABC Airlines department head for his/her information and if possible, internal (ABC Airlines) resolution. For reports related to flight safety, including reports involving possible violations of the Federal Aviation Regulations, the ERC will analyze the report; conduct interviews of reporting crewmembers; and gather additional information concerning the matter described in the report, as necessary.

The ERC should also make recommendations to ABC Airlines for appropriate comprehensive fixes. Such comprehensive fixes might include changes to ABC Airlines procedures, aircraft equipment modifications, or additional training for a crewmember. Any recommended changes that affect ABC Airlines will be forwarded through the APPP manager to the appropriate department head for consideration and comment, and, if appropriate, implementation. The FAA will work with ABC Airlines to develop acceptable comprehensive fixes. The APPP manager will track the implementation of the recommended comprehensive fixes and report on the progress of the fixes to the ERC as part of the regular ERC meetings. Any recommended comprehensive fix that is not implemented should be recorded along with the reason it was not implemented.

FAA Enforcement

All reports submitted under the APPP that involve potential violations of the Federal Aviation Regulations will be referred to the FAA representative of the ERC for evaluation and, to the extent appropriate, investigation. The FAA representative will review the report

and determine whether the alleged violation is supported by sufficient evidence, other than the individual's safety-related report. "Sufficient evidence" means evidence gathered by an investigation not caused by, or otherwise predicated on, the individual's safety-related report. Alleged violations supported by such evidence will ordinarily be addressed with administrative action provided the alleged violations do not involve deliberate misconduct; a serious and substantial deviation from required conduct; criminal conduct; an accident; or conduct that demonstrates, or raises a question of, a lack of qualification. Administrative action has been determined to be a necessary enforcement-related incentive to achieve the desired results and goals of the program.

Alleged violations that involve deliberate misconduct; a serious and substantial deviation from required conduct; criminal conduct; an accident; or conduct that demonstrates, or raises a question of, a lack of qualification are wholly excluded from the APPP. Such violations will not be addressed with the enforcement-related incentive, i.e., administrative action. Safety-related reports that concern such violations will be referred to an appropriate office within the FAA for any additional investigation and reexamination and/or legal enforcement action, as appropriate.

In order for an alleged violation covered under the APPP to be addressed with administrative action, the elements of paragraph 205 of FAA Order 2150.3A must be satisfied, and the individual committing the alleged violation must agree to accomplish any corrective action determined appropriate by the FAA representative to the ERC. Notwithstanding the guidance in paragraph 205 of FAA Order 2150.3A, Compliance and Enforcement Program, however, repeated instances involving the same or similar type of misconduct previously addressed with administrative action under the APPP may also be covered under the program. The determination whether a repeated instance will be covered under the APPP will be made on a case-by-case basis by the FAA, upon consideration of the facts and circumstances surrounding the violation.

The ERC may review and discuss the evidence available to support an alleged violation reported under the APPP. The FAA representative to the ERC will determine the enforcement action, if any, that should be initiated for the alleged violation. The FAA will work with a certificate holder to develop acceptable comprehensive fixes for

safety problems identified from information obtained under the APPP. The decision to accept the corrective actions implemented under a partnership for safety program in lieu of legal enforcement action remains solely with the FAA.

Employee Feedback

The APPP manager will publish a synopsis of the reports received from the flight crewmembers in the partnership for safety program section of the monthly "ABC Airlines Employee Newsletter." The synopsis will include enough information so that reporting flight crewmembers can identify their reports. Employee names, however, will not be included in the synopsis. The outcome of each report will be published. Any employee who submitted a report may also contact the APPP manager to inquire about the status of his/her report.

Information and Training

The details of the APPP will be made available to all flight crewmembers and their supervisors by publication in Section 5 of the ABC Airlines flight crew operating manual. Each flight crewmember will receive written guidance outlining the details of the program at least two weeks before the program begins. Each flight crewmember also will receive additional instruction concerning the program during the next regularly scheduled recurrent training class. All new hire pilot employees will receive training on the program during initial training.

Recordkeeping

All official documents and records regarding this program will be kept by the APPP manager and made available to the parties to this agreement at their request. The ABC Airlines Pilot Union and FAA will maintain whatever records they deem necessary to meet their needs.

Signatories

Director of Operations, ABC Airlines

Date

President, ABC Airlines Pilot Union

Date

Manager, FAA CHDO

Date (End of draft AC)

[FR Doc. 96-18533 Filed 7-19-96; 8:45 am]

BILLING CODE 4910-13-M

Acceptance of Noise Exposure Maps, Laughlin/Bullhead International Airport, Bullhead City, AZ

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by the Mohave County Airport Authority, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR Part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's acceptance of the Noise Exposure Maps for Laughlin/Bullhead International Airport, Bullhead City, Arizona is July 9, 1996.

FOR FURTHER INFORMATION CONTACT: Charles B. Lieber, Airport Planner, Airports, Airports Division, AWP-611.1, Federal Aviation Administration, Western-Pacific Region. Mailing address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007. Telephone (310) 725-3614. Street address: 15000 Aviation Boulevard, Hawthorne, California 90261. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the Noise Exposure Maps submitted for Laughlin/Bullhead International Airport, Bullhead City, Arizona are in compliance with applicable requirements of Federal Aviation Regulations (FAR) Part 150, effective July 9, 1996.

Under Section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of FAR Part 150, promulgated pursuant to Title I of the Act, may submit a Noise Compatibility Program for FAA approval which sets