

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-37

[FPMR Amendment G-113]

RIN 3090-AG13

Aviation, Transportation, and Motor Vehicles

AGENCY: Office of Governmentwide
Policy, GSA.

ACTION: Final rule.

SUMMARY: This regulation revises FPMR Subpart 101-37.11 to comply with OMB Circular A-126 and to incorporate changes brought about by the passage of Pub. L. 103-411, dated April 23, 1995.

EFFECTIVE DATE: August 14, 1998.

FOR FURTHER INFORMATION CONTACT: Peter Zuidema, Director, Aircraft Management Policy Division (MTA), 202-219-1377.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

REGULATORY FLEXIBILITY ACT: This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

PAPERWORK REDUCTION ACT: GSA has determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel. This rule is written in a "plain language" style.

What is the "Plain Language" Style of Writing?

The "plain language" style of regulation writing is a new, simpler to read and understand, question and answer regulatory format.

How Does the "Plain Language" Style of Regulation Writing Affect Employees?

A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

List of Subjects in 41 CFR Part 101-37

Aircraft, Government property management.

For the reasons set forth in the preamble, 41 CFR part 101-37 is amended as follows:

PART 101-37—GOVERNMENT AVIATION ADMINISTRATION AND COORDINATION

Subpart 101-37.11 is revised to read as follows:

Subpart 101-37.11—Aircraft Accident and Incident Reporting and Investigation

- 101-37.1100 What are my general responsibilities for aircraft accident and incident reporting and investigation?
- 101-37.1101 What aircraft accident and incident response planning must I do?
- 101-37.1102 When must I give initial notification of an aircraft accident, incident, or overdue aircraft?
- 101-37.1103 What information must I give in an initial notification of an aircraft accident, incident, or overdue aircraft?
- 101-37.1104 What are my responsibilities for preserving aircraft wreckage, cargo, mail, and records resulting from aircraft accidents and incidents?
- 101-37.1105 What must I report regarding an aircraft accident, incident, or overdue aircraft?
- 101-37.1106 What must I do when the NTSB investigates an accident or incident involving my aircraft?
- 101-37.1107 What must I do if I observe a condition, act, maintenance problem, or circumstance that has the potential to cause an aviation related mishap?
- 101-37.1108 Why is it important that I be provided aircraft accident/incident related guidance in the form of this regulation in addition to that found in 49 CFR Parts 830 and 831?
- 101-37.1109 What training must I have to participate in an NTSB investigation?

Authority: Sec. 205 (c), 63 Stat. 390; 40 U.S.C. 486 (c); the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; E.O. 11541, 35 FR 10737, 3 CFR, 1966-70 Comp., p. 939; and OMB Circular No. A-126 (Revised May 22, 1992).

Subpart 101-37.11—Aircraft Accident and Incident Reporting and Investigation

§ 101-37.1100 What are my general responsibilities for aircraft accident and incident reporting and investigation?

You must:

- Develop a Federal agency specific aircraft accident and incident response plan for your agency;
- Be prepared to participate in National Transportation Safety Board (NTSB) investigations of Federal agency aircraft accident or incidents involving your agency;
- Conduct a parallel investigation of an aviation accident/incident involving your agency aircraft as appropriate;

(d) Report any condition, act, maintenance problem, or circumstance which has potential to cause an aviation related mishap;

(e) Provide training to your agency personnel who may be asked to participate in an NTSB investigation;

(f) Assure that your reporting requirements are in compliance with the NTSB definitions contained in 49 CFR 830.2; and

(g) Refer to 49 CFR part 830 for further details when required to report an aircraft accident, incident, or overdue aircraft to the NTSB.

§ 101-37.1101 What aircraft accident and incident response planning must I do?

You must develop an agency specific aircraft accident and incident response plan which include the following:

- Reporting aircraft accidents, incidents, and overdue or missing aircraft,
- Wreckage site safety,
- Wreckage security,
- Evidence preservation, and
- A point of contact list with current telephone numbers for fire, crash rescue, medical, and law enforcement support personnel and trained agency accident investigators.

§ 101-37.1102 When must I give initial notification of an aircraft accident, incident, and overdue aircraft?

You must assure that the operator of any aircraft that is owned, leased, or under your exclusive use and operational control for more than 180 days immediately notifies the nearest NTSB field office when an accident or incident occurs.

§ 101-37.1103 What information must I give in an initial notification of an aircraft accident, incident, or overdue aircraft?

You must assure that the notification contains the following information, if available:

- Type and registration of the aircraft;
- Name of the owning agency;
- Name of the pilot-in-command;
- Date and time of the accident;
- Last point of departure and the point of intended landing;
- Position of the aircraft with reference to a geographical point;
- Number of persons aboard, number fatally injured, and number seriously injured;
- Nature of the accident, extent of damage, and the weather; and
- A description of any explosives, radioactive materials, or any other dangerous substances carried on the aircraft.

§ 101-37.1104 What are my responsibilities for preserving aircraft wreckage, cargo, mail, and records resulting from aircraft accidents and incidents?

You must assure that the operator of your aircraft is responsible for preserving to the extent possible any wreckage, cargo, and mail carried aboard the aircraft that was involved in an accident or incident. All records such as history data recordings of flight and maintenance information and voice recordings pertaining to the flight and all records pertaining to the operation and maintenance of the aircraft and to the airmen must be preserved until the NTSB takes custody. If items must be moved from the aircraft or the scene of the accident/incident for safety or health reasons, sketches, descriptive notes, or photographs should be made if possible of the original positions and conditions of items moved. If classified material is involved in an accident or incident, you must coordinate its protection and recovery with the National Transportation Safety Board as required by 49 CFR 830.10 and 831.12.

§ 101-37.1105 What must I report regarding an aircraft accident, incident, or overdue aircraft?

You must assure that the operator of your aircraft files a report on NTSB Form 6120.1 or 7120.2 within 10 days after an accident, or after 7 days if an

overdue aircraft is still missing. A report involving a reportable incident shall be filed only if requested by the NTSB.

§ 101-37.1106 What must I do when the NTSB investigates an accident or incident involving my aircraft?

You should request designation as "party" to the investigation in accordance with 49 CFR 831.11 and assist the NTSB to the maximum extent possible. The NTSB shall allow you to participate in any investigation, except that you may not participate in the NTSB's determination of the probable cause of the accident. You may conduct your own parallel investigation. You and the NTSB must exchange appropriate information obtained or developed in the course of the investigation(s) in a timely manner.

§ 101-37.1107 What must I do if I observe a condition, act, maintenance problem, or circumstance that has the potential to cause an aviation related mishap?

You must report such observations to a senior aviation safety manager of your agency.

§ 101-37.1108 Why is it important that I be provided aircraft accident/incident related guidance in the form of this subpart, in addition to that found in 49 CFR parts 830 and 831?

You may be excluded from some civil standards because of your unique

operational and/or airworthiness requirements. Therefore, in addition to meeting the requirements found in 49 CFR parts 830 and 831, you must do the following: Make personnel who are knowledgeable about your missions and trained as aircraft accident investigators available to work with the NTSB. Develop accident and incident response plans. And understand that a parallel investigation may be conducted. Such teamwork will enhance both NTSB's and your aircraft accident investigation and prevention efforts.

§ 101-37.1109 What training must I have to participate in an NTSB investigation?

You must be trained in aircraft accident investigation, reconstruction, and analysis. You must also receive aircraft accident investigation recurrency training and be familiar with NTSB accident investigation procedures.

Dated: February 23, 1998.

David J. Barram,

Administrator of General Services.

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