ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

1110.129A

07/03/03

SUBJ: AVIATION SAFETY ACTION PROGRAM AVIATION RULEMAKING COMMITTEE

1. PURPOSE. This order constitutes the charter for the Aviation Safety Action Program (ASAP) Aviation Rulemaking Committee that is designated and established pursuant to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) 106(p)(5).

2. DISTRIBUTION. This order is distributed at the director level in Washington headquarters and in the regions with a division level distribution in the regional Flight Standards Divisions.

3. CANCELLATION. This order cancels Order 1110.129, Aviation Safety Action Program (ASAP) Aviation Rulemaking Committee, dated June 20, 2001.

4. BACKGROUND. The Federal Aviation Administration (FAA), a certificated entity (e.g., an air carrier or repair station), and, usually, an employee's labor union, enter into an ASAP voluntarily. The overall goal is to enhance public safety by identifying unsafe practices and correcting them. The intent of the program is to create a non-punitive environment for employees to report safety issues and events. The FAA limits the enforcement action it takes against employees covered by an ASAP to encourage them to report safety problems. FAA policy with regard to ASAP is described in Advisory Circular 120-66, as amended. Because ASAP may entail FAA administrative action or even no FAA action in lieu of FAA enforcement action for alleged violations of the Federal Aviation Regulations revealed in reports accepted under the program, FAA policy on ASAP remains controversial. In addition, the information revealed by ASAP reports may be considered sensitive by airlines and employees. The FAA intends to issue an order designating ASAP information as protected from public disclosure under Title 14 of the Code of Federal Regulations (14 CFR) part 193.

5. OBJECTIVES AND SCOPE OF ACTIVITIES. The Administrator has determined that a government/industry forum is needed to provide the FAA with advice on FAA ASAP policy and to prepare recommendations on whether rulemaking applicable to ASAP would be appropriate. The ASAP Aviation Rulemaking Committee will serve as a forum for interaction among FAA, industry employee groups, airlines, and repair stations regarding ASAP goals, issues, and concerns. The Associate Administrator for Regulation and Certification will assign the committee specific tasks.

6. DUTIES.

a. The committee will meet with such employees of the FAA as designated by the Associate Administrator for Regulation and Certification, and present whatever input, guidance, or

recommendations the members of the committee consider relevant to the ultimate disposition of ASAP issues.

b. If directed to do so by the Associate Administrator for Regulation and Certification, the committee will conduct at least one public meeting to provide all interested parties an opportunity to present their views and recommendations on ASAP issues.

7. ORGANIZATION AND ADMINISTRATION.

a. The Associate Administrator for Regulation and Certification will have sole discretion to appoint committee members. The committee will consist of FAA employees and public representative members of the various viewpoints of companies and labor associations involved in ASAP.

b. The Associate Administrator for Regulation and Certification will receive all committee recommendations and reports. The Associate Administrator will also be responsible for providing administrative support for the committee.

c. The Associate Administrator for Regulation and Certification is the sponsor of the committee and will designate the committee chair from the membership of the committee. Once designated, the chair will:

(1) Determine, in coordination with other committee members, when a meeting is required and where it will be held;

(2) Arrange notification to all committee members of the time and place for any meeting; and

(3) Formulate an agenda for each meeting and conduct the meeting.

d. The committee is not required to keep minutes, but may elect to do so.

e. The committee's meetings will not be open to the public.

8. COMPENSATION. Non-government representatives serve without government compensation and bear all costs related to their participation on the committee.

9. ESTIMATED COST. The estimated operating cost (including pro rata share of salaries of FAA employees) is $10,000. Approximately 0.3 person-years will be required to support the committee.

10. PUBLIC PARTICIPATION. Unless otherwise decided by the Associate Administrator for Regulation and Certification, all meetings of the committee will be closed. Interested persons wishing to attend a meeting who are not members of the committee must request and receive approval in advance of the meeting from the Associate Administrator.

11. AVAILABILITY OF RECORDS. Subject to the provisions of the Freedom of Information Act, Title 5 of the United States Code (5 U.S.C.) Section 522, records, reports, agendas, working papers, and other documents that are made available to, prepared by, or prepared for the committee will be available for public inspection and copying at the FAA Voluntary Safety Programs Branch, AFS-230, P.O. Box 20027, Washington, DC 20041, Attn: Thomas Longridge, (703) 661-0275, e-mail: thomas.longridge@faa.gov. Fees will be charged for the information furnished to the public in accordance with the fee schedule published in Title 49 of the Code of Federal Regulations (49 CFR) part 7.

12. PUBLIC INTEREST. The formation of the ASAP Aviation Rulemaking Committee is determined to be in the public interest in connection with the performance of duties imposed on the FAA by law.

13. EFFECTIVE DATE AND DURATION. This committee became effective on July 2, 2001 for an initial duration of two years. The committee is hereby extended for an additional two years until July 2, 2005, unless terminated or extended by the Administrator.

Marion C. Blakey

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Administrator