

- (vi) Impact, including description of time, date, aircraft altitude, airspeed, angle of attack, and related facts at time of impact;
- (vii) Personal and survival equipment, and survivability;
- (viii) Rescue/crash response;
- (ix) Maintenance;
- (x) Airframe;
- (xi) Crew qualifications;
- (xii) Medical, including use and function of restraint systems;
- (xiii) NAVAIDS and facilities; and
- (xiv) Results of on-sight and off-sight testing.

(2) *Evaluative report.* The purpose of this report is to improve safety by preventing accidents/incidents. This report is used to assist agencies to build or enhance an effective aviation safety program. This report contains the conclusions, opinions, and recommendations of the investigator(s) and certain designated witness' statements. Except for the aforementioned witness statements, no factual information and/or material not available in the factual report should be referred to or relied upon in this report. Evaluative notes of the agency's investigator(s), to the extent they may be retained, should be attached to this report.

(i) The utility of the evaluative report depends in part on candid statements and observations by witnesses or those directly involved in the accident/incident. (See paragraph (d) of this section.) Therefore, the investigator-in-charge should inform witnesses that their statements are #intended to be used only for safety evaluation and improvement purposes.

(ii) If the investigator-in-charge, in consultation with agency counsel, has determined that a witness' statement may be privileged, it should be attached only to the evaluative report.

(c) Limited use and protection of the evaluative report. The evaluative report, attachments, and report endorsements are exempt from disclosure to the extent covered by 5 U.S.C. 552(b)(5). Agency counsel can determine the extent of such coverage. The evaluative report should be used only for safety purposes.

(d) Preventing use of information contained in the evaluative report for other than its intended purposes en-

courages aircraft accident/incident witnesses, investigator(s), and endorsers of aircraft evaluative reports and attachments to provide complete, open, and forthright information, opinions, conclusions, and recommendations regarding the accident/incident investigated. If aircraft accident/incident investigator(s) and endorsers believed that their deliberations, opinions, and recommendations could be used for other than safety purposes, they might be reluctant to develop or include in their reports and endorsements information which would be vital for safety and for the prevention of future loss of life, bodily injury, and/or property damage.

(e) Investigators. Consistent with the policies and procedures contained in paragraphs (a) through (e) of this section, all investigators, including but not limited to investigators-in-charge, may testify as to the factual information they obtained during the course of the accident investigation, including factual evaluations embodied in the factual report.

[57 FR 48331, Oct. 23, 1992]

Subpart 101-37.12—Federal Agency Aviation Safety Program

SOURCE: 59 FR 27486, May 27, 1994, unless otherwise noted.

§ 101-37.1200 General.

(a) This subpart sets forth guidance to agencies for establishing aviation safety programs in accordance with the direction given to GSA in OMB Circular A-126, but the subpart is not binding on other agencies.

(b) The aviation safety program objective is the safe accomplishment of the agency mission, and is a direct result of effective management which should include attention to detail sufficient to preclude the occurrence of an accident. Each agency should establish appropriate key management positions and define their responsibilities and qualifications. Agencies should ensure these positions are staffed with properly qualified personnel.

§ 101-37.1201 Applicability.

As prescribed in this subpart 101-37.12, the requirement to develop and

operate an aviation safety program which addresses all program facets including, but not limited to, flight, ground, and weapons environments, is applicable to all Federal aviation programs.

§ 101-37.1202 Agency aviation safety responsibilities.

Agencies operating aviation programs are responsibilities for establishing and conducting a comprehensive aviation safety program. Agencies should appoint qualified aviation safety managers at both the national and operational program level.

§ 101-37.1203 Aviation safety manager qualifications.

(a) Aviation safety manager positions may be full time or additional duty, based on program mission requirements. In general, an aviation safety manager should, regardless of management level:

(1) Be knowledgeable in agency aviation program activities within his/her purview;

(2) Have experience as a pilot, crew member, or in aviation operations management; and

(3) Be a graduate of a recognized aviation safety officer or accident prevention course, or qualified within 1 year through attendance at formal courses(s) of instruction.

(b) These standards should be used as a guide to ensure that qualified personnel are selected as safety managers. However, they do not supersede those job classifications prescribed by the Office of Personnel Management or other appropriate authority.

§ 101-37.1204 Program responsibilities.

Agencies will ensure that policies, objectives, and standards are established and clearly defined to support an effective aviation accident prevention effort. The aviation safety manager should develop and implement an agency aviation safety program which integrates agency safety policy into aviation related activities.

§ 101-37.1205 Program elements.

As a recommendation, aviation safety program elements should include, but not be limited to, the following:

- (a) Aviation safety council;
- (b) Inspections and evaluations;
- (c) Hazard reporting;
- (d) Aircraft accident and incident investigation;
- (e) Education and training;
- (f) Aviation protective equipment;
- (g) Aviation qualification and certification; and
- (h) Awards program.

§ 101-37.1206 Aviation safety council.

(a) Each agency should establish aviation safety councils at the appropriate aircraft operations level. The purpose of the council is to promote safety by exchanging ideas, reviewing, and discussing hazard reports and accident and incident reports, and assessing the threat to safe operation inherent in mission operations plans. The council should function to recommend changes to agency policies, rules, regulations, procedures, and operations based upon such discussions, reviews, and assessments. The council should meet regularly and should consist, at a minimum, of those individuals within the organization responsible for the following areas:

- (1) Operations/mission planning;
- (2) Safety;
- (3) Aircrew training;
- (4) Maintenance; and
- (5) Aircrew scheduling.

(b) Safety meetings for operations and maintenance personnel are used to increase the education and awareness of agency personnel regarding the hazards associated with aviation and to discuss mishap prevention. Meetings should be scheduled and conducted on a regular basis.

§ 101-37.1207 Inspections and evaluations.

The purpose of any inspection or evaluation is to prevent aviation accidents and to foster aviation safety.

(a) Each agency should establish and maintain an inspection and evaluation program for all aviation activities. All operational elements of the aviation activity should be regularly inspected and evaluated based on standardized criteria established by the agency. The purpose of this program is to ensure that the agency mission is being carried out in accordance with Federal