

The Federal Sector Equal Employment Opportunity Regulations, 29 CFR Part 1614 requires agencies to establish or make available an ADR program. The ADR program must be available during both the pre-complaint process and the formal complaint process.

### Relationship to Other Dispute Resolution Procedures

This policy statement replaces the Interim Statement of Policy on Alternative Dispute Resolution published in the **Federal Register** on November 15, 2000. It does not supersede collective bargaining agreements or other statutory, regulatory, or contractual dispute resolution procedures, or military disciplinary processes. ADR is intended to supplement, not replace, existing procedures.

### No Creation of Rights

ADR is voluntary. The choice of when and how to use ADR is within the discretion of the Department's Operating Administrations and Secretarial offices, and all parties must agree. This statement of policy does not create any right to judicial review involving the compliance or noncompliance with the statement. In addition, the statement does not obligate the Department to offer funds to settle any case, to accept a particular settlement or resolution of a dispute, or to alter any existing delegation of settlement or litigation authority.

Issued in Washington, DC on June 3, 2002.

**Norman Y. Mineta,**  
Secretary of Transportation.

### Appendix—ADR Considerations

A decision to use ADR may be made before or after a dispute arises. Several factors should be considered in making that decision. Some factors may favor the use of ADR while others may weigh against it. Although not intended as an exhaustive list of factors, the Department has determined that ADR may be helpful in resolving a particular dispute where one or more of the following factors are present:

1. *Identifiable Parties.* There is an identifiable group of constituents with interests (the parties) so that all reasonably foreseeable interests can be represented.
2. *Good Faith.* The parties are willing to participate in good faith.
3. *Communication.* The parties are interested in seeking agreement, but poor communication or personality conflicts between the parties adversely affect negotiations.
4. *Continuing Relationship.* A continuing relationship between the parties is important and desirable.
5. *Issues.* There are issues that are agreed to be ripe for a negotiated solution.

6. *Unrealistic View of the Issues.* The parties' demands or views of the issues are unrealistic. A discussion of the situation with a neutral may increase the parties' understanding and result in more realistic alternatives and options.

7. *Sufficient Areas of Compromise.* There are sufficient areas of compromise to make ADR worthwhile.

8. *Expectation of Agreement.* The parties expect to agree eventually, most likely before reaching the courtroom or engaging in other adversarial processes.

9. *Timing.* There is sufficient time to negotiate and ADR will not unreasonably delay the outcome of the matter in dispute. There is a likelihood that the parties will be able to reach agreement within a fixed time. There are no statutory or judicial deadlines that are adversely affected by the process. ADR may result in an earlier resolution of the dispute.

10. *Resources.* The parties have adequate resources (budget and people) and are willing to commit them to the process.

While many of these factors may apply to agency rulemaking, there may be some variation in the consideration. For example, with regard to "Expectation of Agreement," the consideration may be that all affected interests recognize that there is a problem that must be solved and that Federal regulation is the appropriate response. Furthermore, under the Negotiated Rulemaking Act, the head of the agency would determine whether negotiated rulemaking is in the public interest and would consider several factors concerning the parties, the timing, the costs, and the issues. See 5 U.S.C. 561.

There are also factors that suggest that ADR should not be used. The Administrative Dispute Resolution Act of 1996 provides factors that suggest that ADR is inappropriate or may not be productive in a particular dispute resolution proceeding. See 5 U.S.C. 572.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Proposed Revision to Advisory Circular (AC) 25.981-1B, Fuel Tank Ignition Source Prevention Guidelines

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed revision to advisory circular.

**SUMMARY:** The Federal Aviation Administration invites public comment on a proposed revision to Advisory Circular 25.981-1B, Fuel Tank Ignition Source Prevention Guidelines. The revision provides updated guidelines for demonstrating compliance with the certification requirements for preventing ignition sources within the fuel tanks of transport category airplanes.

**DATES:** Comments must be received on or before September 10, 2002.

**ADDRESSES:** You should send your comments on the proposed revision to the Federal Aviation Administration, Attention: Mike Dostert, Propulsion/Mechanical Systems Branch, ANM-112, Transport Directorate, Aircraft Certification Service, 1601 Lind Ave SW., Renton, WA 98055-4056. You may also submit comments electronically to: [mike.dostert@faa.gov](mailto:mike.dostert@faa.gov).

**FOR FURTHER INFORMATION CONTACT:** Mike Dostert at the above address, telephone (425) 227-2132, facsimile (425) 227-1320, or e-mail [mike.dostert@faa.gov](mailto:mike.dostert@faa.gov).

### SUPPLEMENTARY INFORMATION:

#### How Do I Obtain a Copy of the Proposed Advisory Circular Revision?

You may obtain an electronic copy of the draft advisory circular identified in this notice at the following Internet address: [http://www.faa.gov/certification/aircraft/air\\_index.htm](http://www.faa.gov/certification/aircraft/air_index.htm).

- Click on "Advisory Circulars";
- At the bottom of the next page, click on "Related Links";
- On the next page, click on "Draft Advisory circulars";
- On the next page, click on "Open for Comment".

If you do not have access to the Internet, you may request a copy by contacting Mike Dostert at the address or phone number listed earlier in this announcement.

#### How Do I Submit Comments on the Draft Advisory Circular?

You are invited to comment on the proposed advisory material by submitting written comments, data, or views. You must identify the title of the AC and submit your comments in duplicate to the address specified above. We will consider all comments received on or before the closing date for comments before issuing the final advisory material.

### Discussion

On May 7, 2002, the Federal Aviation Administration (FAA) published Amendment 25-102 to 14 CFR part 25 in the **Federal Register** (66 FR 23086). That amendment requires design approval holders of certain turbine-powered transport category airplanes to submit substantiation to the FAA that the design of the fuel tank system of previously certificated airplanes precludes the existence of ignition sources within the airplane fuel tanks. The rule also requires the affected design approval holders to develop specific fuel tank system maintenance

and inspection instructions for any items in the fuel tank system that are determined to require repetitive inspections or maintenance, to assure the safety of the fuel tank system. In addition, the rule requires certain operators of those airplanes to incorporate FAA-approved fuel tank system maintenance and inspection instructions into their current maintenance or inspection program.

In addition to the rule changes adopted by amendment 25-102, the FAA also developed advisory material to supplement the rule changes. That advisory material was issued on April 18, 2001, as Advisory Circular (AC) 25.981-1B and AC 25.981-2. The FAA now announces the availability of a revised version of AC 25.981-1B for public comment.

The revised advisory material, AC 25.981-1C, provides guidance on how to substantiate that ignition sources will not be present in airplane fuel tank systems following failures or malfunctions of airplane components or systems. Also included is guidance for developing any limitations for the Instructions for Continued Airworthiness that may be generated by the fuel tank system safety assessment identified in amendment 25-102.

Since issuance of AC 25.981-1B, the FAA has received a number of comments and requests for additional guidance from users of the AC and has developed the revised AC to address these issues. Changes to the AC include:

- Clarification of the definition of filament heating energy levels,
- A new paragraph addressing electrostatics,
- A new paragraph describing considerations for establishing minimum wire separation distances,
- Discussion of use of silver inside fuel tanks,
- Additional guidance regarding spaces adjacent to fuel tanks
- New guidance on considerations for electrical bond redundancy, self bonding couplings, bond integrity checks, bond corrosion and integrity, and definition of major components.

In addition, several portions of the AC have been reorganized to present the material in a more useable form. Revised text is highlighted in yellow for ease in identifying changes from the previous version (AC 25.981-1B). You may also review the previous version at the Internet address provided earlier in this document under the heading, "How do I obtain a copy of the proposed advisory circular revision?"

Issued in Renton, Washington, on May 30, 2002.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2002-12426]

#### **Draft Advisory Circular 93-1, Reservations for Unscheduled Flights at High Density Traffic Airports; Correction**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of draft advisory circular and request for comments; correction.

**SUMMARY:** This document contains a correction to the notice, published in the **Federal Register** on June 3, 2002 (67 FR 38305). That notice requests comments on Advisory Circular, "Reservations for Unscheduled Flights at High Density Traffic Airports." That advisory circular would harmonize and clarify procedures currently in the Aeronautical Information Manual and the Aeronautical Information Publication, update methods of obtaining reservations to include a new web-based application, discontinue use of telephone modem access, provide for an increase in the number of hours in advance of operation that reservations may be made, and reflect recent statutory changes affecting operations at Chicago O'Hare International Airport.

**FOR FURTHER INFORMATION CONTACT:** Diane Crean, (202) 267-3538.

#### **Correction of Publication**

In the notice FR Doc. 02-13820, beginning on page 38305 in the **Federal Register** issue of June 3, 2002, make the following corrections:

1. On page 38305, in column 1, in the heading section, beginning on line 4, include the docket number to read, "[Docket No. FAA-2002-12426]."

2. On page 38305, in column 1, in the **ADDRESSES** section, beginning on line 4, correct "Docket No. FAA-2002-XXXX" to read "Docket No. FAA-2002-12426".

3. On page 38305, in column 2, in the Comments Invited section, beginning on line 17, correct "Comments to Docket No. FAA-2002-xxxx" to read "Comments to Docket No. FAA-2002-12426".

Issued in Washington, DC on June 4, 2002.

**Donald P. Byrne,**

*Assistant Chief Counsel, Regulations  
Division.*

[FR Doc. 02-14691 Filed 6-11-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Notice of Intent To Issue a Release of Obligations on Surplus Property at Elmira-Corning Regional Airport, Elmira, NY**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The FAA is publishing notice of the proposed release of 13 parcels of land, totaling approximately 21.1 acres, at Elmira-Corning Regional Airport, to allow their sale to the New York State Department of Transportation (NYSDOT) for the construction of a full-serve cloverleaf interchange at Kahler Road/NYS Route 17, as part of the Interstate Highway designation of Route 17.

Eleven of the subject 13 parcels of airport property were acquired between 1959 and 1981, with federal funding participation through the Airport Improvement Program (AIP), and its predecessor, the Airport Development and Planning Program (ADAP). The 2 other parcels were acquired by the Chemung County, the owner of the airport, without federal funding participation.

FAA's action is to release the land parcels from the deed provisions requiring aeronautical use of the property. These properties are not needed for current airport use, nor will they be needed for any future aeronautical use, based on the Elmira-Corning Regional Airport Layout Plan.

The NYSDOT will purchase the 21.1 acres from Chemung County at the Fair Market Value of \$464,650. Chemung County will use these funds for the maintenance, operation and capital development of the Elmira-Corning Regional Airport.

Any comments the agency receives will be considered as a part of the decision.

**DATES:** Comments must be received on or before July 12, 2002.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Philip Brito, Manager, FAA New York Airports District Office, 600