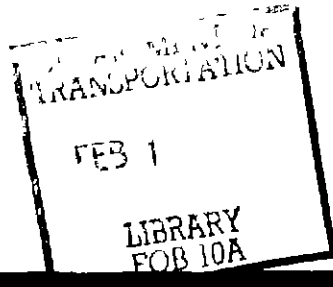




U.S. Department  
of Transportation  
**Federal Aviation  
Administration**



# Advisory Circular

**Subject: AVIATION SAFETY ACTION  
PROGRAMS (ASAP)**

**Date: 1-8-97  
Initiated by: AFS-200**

**AC No: 120-66  
Change:**

**1. PURPOSE.** This Advisory Circular (AC) provides guidance for establishing air transportation Aviation Safety Action Programs (ASAP). 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 policies and procedures would be provided for the use of these programs.

a. These programs, which are entered into by the FAA and entities of the air transportation industry, are intended to generate safety information that may not otherwise be obtainable.

b. These programs provide a vehicle whereby employees of certain air carriers and repair station certificate holders can identify and report safety issues to management and the FAA for resolution without fear of punitive legal enforcement action being taken against them, under certain circumstances. These programs are designed to encourage participation from employee groups, such as flight crewmembers, mechanics, flight attendants, and dispatchers.

c. The elements of ASAP are set forth in a Memorandum of Understanding (MOU) between the FAA, certificate holders, management, and employee groups or their representatives.

**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 ASAP 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, and the Alaska Airlines Altitude Awareness Program. These programs included incentives to encourage employees of air carriers 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 apparent violation by the air carriers against the Regulations were handled under the voluntary disclosure policy, provided that the elements of the policy were satisfied. The FAA is expanding the use of ASAP through the implementation of a 2-year demonstration program. The information and data collected and analyzed can be used to measure their effect on aviation safety.

3. **KEY TERMS.** The following key terms and phrases, for the purposes of ASAP, are defined to ensure a standard interpretation of the guidance

a. **Administrative Action.** Under paragraph 205 of FAA Order 2150 3A, Compliance Enforcement Program, 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. Administrative action may be taken in lieu of legal enforcement action when all of the following elements are present

(1) Applicable law does not require legal enforcement action,

(2) Lack of qualification or competency was not involved,

(3) The violation was inadvertent and not deliberate,

(4) The violation was not the result of a substantial disregard for safety or security and the circumstances of the violation are not aggravated,

**NOTE: Substantial disregard means:**

(a) In the case of a certificate holder, the act or failure to act was a substantial deviation from the degree of care, judgment, and responsibility normally expected of a person holding a certificate with that type, quality and level of experience, knowledge and proficiency.

(b) In case the violator is not a certificate holder, the act or failure to act was a substantial deviation from the degree of care and diligence expected of a reasonable person in those circumstances.

(5) The alleged violator has a constructive attitude toward complying with the regulations,

(6) The alleged violator has not been involved previously in similar violations, and

(7) After consideration of items (1-6), a determination is made that administrative action will serve as an adequate deterrent

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

c. **Certificate Holder.** Refers to a person authorized to operate under Title 14 of the Code of Federal Regulations (14 CFR) part 121, or who holds a certificate issued under 14 CFR part 145

**d. Certificate Holding District Office (CHDO).** The Flight Standards District Office (FSDO) having overall responsibility for all FAA reporting requirements, technical administration requirements, and regulatory oversight of a certificate holder

**e. Enforcement-Related Incentive.** Refers to an assurance that lesser enforcement action will be used to address certain alleged violations of the Regulations to encourage participation by certificate holder employees

**f. Event Review Committee (ERC).** A group comprised of a representative from each party to an ASAP reviews and analyzes reports that are submitted under an ASAP. The ERC may share and exchange information and identify actual or potential safety problems from the information contained in the reports. The ERC usually is comprised of a management representative from the certificate holder, a representative from the employee group, and an FAA inspector from the CHDO. Previous demonstration ASAP used the ERC concept. However, the parties may agree to use an alternative process.

**g. 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.

**h. Memorandum of Understanding (MOU).** Refers to the written agreement between two or more parties setting forth the purposes for, and terms of, an ASAP.

**i. 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.

**j. Person.** A person refers to an individual, firm, partnership, corporation, company, association, joint stock association, or government entity, including a trustee, receiver, assignee, or similar representative of them.

**k. Safety-Related Report.** Refers to a written account of an event that involves an operational or maintenance issue related to aviation safety reported through an ASAP.

**l. Voluntary Disclosure Policy.** A policy under which 14 CFR parts 121, 135, and 145 certificate and production approval holders may voluntarily report apparent violations of the 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, Air Carrier Voluntary Disclosure Reporting Procedures.

**4. APPLICABILITY.** ASAP's are intended for air carriers that operate under part 121. They are also intended for major domestic repair stations certificated under part 145. ASAP's 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 provided. The FAA will

determine whether a program is accepted. The FAA may suggest that a certificate holder develop an ASAP to resolve an identified safety problem.

**6. RESOURCES.** An ASAP 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.** ASAP may include an enforcement-related incentive to encourage participation by certificate holder employees. Any enforcement-related incentive should be limited to what is needed to achieve the desired goal and results of the program. Apparent violations of the Regulations by certificate holder employees disclosed through safety-related reports will ordinarily be addressed with administrative action, provided that the apparent violations do not involve deliberate misconduct, a substantial disregard for safety or security, as defined in the key terms, criminal conduct, or conduct that demonstrates or raises a question of a lack of qualification. Such violations are specifically excluded from the program. Any enforcement-related incentive will not apply to these violations. Failure of any individual to complete corrective action in a manner acceptable to the FAA may result in the reopening of the case and referral of the apparent violation for legal enforcement action.

**b. Repeated Instances of Misconduct.** Notwithstanding the guidance in paragraph 205 of FAA Order 2150 3A, repeated instances involving the same or similar type of misconduct previously addressed with administrative action, 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 misconduct.

**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 apparent violation(s) that is excluded from ASAP, 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 has been 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 apparent violations not excluded under an ASAP, neither administrative action nor punitive legal enforcement action will be taken against an individual for an apparent 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 Holders.** Apparent violations of certificate holders disclosed through a safety-related report under an ASAP will be handled under the voluntary disclosure policy, provided the certificate holder voluntarily reports the apparent violations to the FAA.

and the other elements of that policy are met (See AC 120-56, FAA Order 2150 3A, and Compliance/Enforcement Bulletin No 90-6)

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

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

(a) 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 apparent violation does not involve conduct that is excluded from the ASAP. The apparent violation therefore would be addressed by the enforcement-related incentive.

(b) 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 apparent 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 apparent violation does not involve conduct that is excluded from the ASAP. The apparent violation therefore would be addressed by the enforcement-related incentive.

(2) Examples of events involving an apparent violation that is excluded from the ASAP and to which the enforcement-related incentive would not apply

(a) 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 ASAP. The report would be referred for further action.

(b) 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 ASAP. The report would be referred for further action.

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

(a) 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 investigation of this event reveals that the apparent violation is covered under the program. However, the only evidence of the deviation is the pilot's safety-related report filed under the ASAP. 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, there is insufficient evidence to support a violation of the Regulations. Therefore, the case would be closed with no action.

(b) A technician reports that during a preflight inspection, he/she did not replace a brake pad that was worn past allowable wear limits. The report indicated at the time of the inspection, the technician unknowingly used the wrong gauge for that aircraft to measure brake pad wear for that aircraft. The aircraft departed and later returned to the station where the brake pad was replaced. The investigation of this event reveals that the apparent violation is covered under the program. However, the only evidence of the aircraft operating with an out-of-limit brake pad was the technician's safety-related report filed under the ASAP. Since the technician's safety-related report will not be used as evidence to support taking punitive legal enforcement action or administrative action against the technician, there would be insufficient evidence to support a violation of the 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 an ASAP.

**9. MOU.** The provisions of an ASAP, that is acceptable to the FAA, should be set forth in an MOU signed by each party. A program will be implemented in accordance with the provisions of its MOU. A sample MOU is provided in Appendix 1. Each MOU will be based on the parties' different needs and purposes for an ASAP.

a. The MOU should set forth the elements of the ASAP, 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 concern(s) that is/are 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 one (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 should also address the following elements that will pertain to any ASAP

(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, substantial disregard for safety or security, as defined in the key terms, criminal conduct, 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 is satisfactory to the guidance in, FAA Order 2150 3A, and FAA Orders 8300 10, Airworthiness Operations Inspector's Handbook, and 8400 10, Air Transportation Operations Inspector's Handbook, for establishing an ASAP. 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, modifications will either be suggested to the program proposal, or the proposal will be disapproved.

b. When the CHDO is satisfied that a program is satisfactory to the guidance provided in FAA Order 2150 3A, and FAA Orders 8300 10 and 8400 10, 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 and repair station programs. When the MOU encompasses both operations and airworthiness programs it goes to AFS-200 and AFS-300. 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. The CHDO will forward its recommendation whether a program should be renewed, along with supporting information, in accordance with the procedures outlined in FAA Orders 8300 10 and 8400 10.

**11. RECORDKEEPING.** The parties should maintain those records necessary for a program's administration and evaluation. Records submitted to the FAA, for review pursuant to the ASAP, are protected to the extent allowed by law, under applicable exemptions of the Freedom of Information Act.



William J. White,  
Deputy Director, Flight Standards Service



## APPENDIX 1. SAMPLE MEMORANDUM OF UNDERSTANDING

This is a sample of a memorandum of understanding (MOU) for an air transportation Aviation Safety Action Program (ASAP). 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 an ASAP that are set forth in FAA guidance material.

### MEMORANDUM OF UNDERSTANDING

- 1. GENERAL.** ABC Airlines, Inc. is a Title 14 of the Code of Federal Regulations 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 3,500 employees including 1,100 flight crewmembers (pilots and flight engineers) represented by ABC pilot union.
- 2. 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 Regulations by the company and its flight crewmembers. Such incidents have occurred during all phases of flight and have involved the following: non-compliance with air traffic control (ATC) clearances, (e.g., routing, heading, and altitude deviations), runway and taxiway incursions, and departure without a 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 an ASAP with its flight crewmembers, represented by ABC pilot union, and the FAA. This 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.
- 3. 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 Regulations.
- 4. APPLICABILITY.** The ABC ASAP applies to all flight crewmember employees of ABC Airlines. Apparent violations of the Regulations that, involve deliberate misconduct, substantial disregard for safety or security, criminal conduct, 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.

a. Apparent violations of the Regulations by ABC Airlines, that are discovered under this program, will be handled under the voluntary disclosure policy, provided that ABC Airlines voluntarily reported the alleged violations to the FAA and the other elements of that policy are met (See AC 120-56, FAA Order 2150 3A, Compliance and Enforcement Program, and Compliance/Enforcement Bulletin No 90-6)

b. Any modifications of this MOU must be approved by all parties to the agreement

**5. PROGRAM DURATION.** The ASAP is designed to identify and correct specific problems related to flight safety at ABC Airlines. The duration of the program will be one (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 one (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.

**6. 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 ASAP 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 ASAP Manager. In order for the flight crewmember, who submitted the report, to be covered under the ASAP 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 (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 ASAP 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 ASAP manager's office and file a report via fax or telephone.

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

**8. ASAP MANAGER.** When the report is received by the ASAP 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 ASAP 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 and whether extraordinary circumstances precluded timely submission. To confirm that a report has been received, the ASAP manager will send a written receipt (ABC Airlines ASAP 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 ASAP manager will serve as the focal point for information about, and inquiries concerning the status of, ASAP reports, and for the coordination and tracking of recommendations.

**9. 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 ASAP 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.

#### **10. ERC PROCESS.**

a. The ERC will meet as necessary to review and analyze reports that will be listed on an agenda submitted by the ASAP manager. The ERC will determine the time and place of the meeting. The ERC will meet at least twice a month and 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 Regulations, reports that are of a general safety concern, but do not appear to involve a violation(s) of the Regulations, and any other reports (e.g., 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 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.

b. 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 ASAP 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 ASAP 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.

**11. FAA ENFORCEMENT.** All reports submitted under the ASAP that involve potential violations of the 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. Apparent violations supported by such evidence will ordinarily be addressed with administrative action provided the apparent violations do not involve deliberate misconduct, substantial disregard for safety or security, criminal conduct, 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.

a. Safety-related reports identifying alleged violations that are not covered under this program will be referred to an appropriate office within the FAA for any additional investigation and reexamination and/or legal enforcement action, as appropriate.

b. In order for an alleged violation covered under the ASAP to be addressed with administrative action, the elements of paragraph 205 of FAA Order 2150.3A, should be satisfied, and the individual who committed the apparent 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, however, repeated instances involving the same or similar type of misconduct previously addressed with administrative action under the ASAP may also be covered under the program. The determination whether a repeated instance will be covered under the ASAP will be made on a case-by-case basis by the FAA, upon consideration of the facts and circumstances surrounding the violation.

c. The ERC may review and discuss the evidence available to support an apparent violation reported under the ASAP. The FAA representative to the ERC will determine the enforcement action, if any, that should be initiated for the apparent violation.

d. The FAA will work with a certificate holder to develop acceptable comprehensive fixes for safety problems identified from information obtained under the ASAP. The decision to accept the corrective actions implemented under an ASAP in lieu of legal enforcement action remains solely with the FAA.

**12. EMPLOYEE FEEDBACK.** The ASAP manager will publish a synopsis of the reports received from the flight crewmembers in the ASAP 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 ASAP manager to inquire about the status of his/her report.

**13. INFORMATION AND TRAINING.** The details of the ASAP 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.

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

**15. SIGNATORIES.**

\_\_\_\_\_  
Director of Operations, ABC Airlines

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, ABC Airlines Pilot Union

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager, FAA CHDO

\_\_\_\_\_  
Date

US Department  
of Transportation

**Federal Aviation  
Administration**

800 Independence Ave S W  
Washington D C 20591

Official Business  
Penalty for Private Use \$300