



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

SOC

Safety Oversight Circular

SOC 07- 04

DATE: September 28, 2007

Air Traffic Safety
Oversight Service (AOV)

Subject: Aviation Safety Action Program (ASAP) for Credentialed ATO Personnel

1. PURPOSE. This Air Traffic Safety Oversight Service (AOV) Safety Oversight Circular (SOC) provides guidance to the Air Traffic Organization (ATO) for establishing an Aviation Safety Action Program (ASAP) for credentialed safety personnel. The objective of the ASAP is to encourage credentialed safety personnel to voluntarily report safety information that may be critical to identifying potential precursors to accidents. AOV has determined that identifying these precursors is essential to further reducing the risk of air traffic incidents, operational errors, and accidents. Under an ASAP, safety related issues are resolved through corrective action rather than through punishment or discipline. The ASAP provides for the collection, analysis, and retention of the safety data that is obtained. ASAP safety data, much of which would otherwise be unobtainable, is used to develop corrective actions for identified safety concerns, and to educate the appropriate parties to prevent a reoccurrence of the same type of safety related event. An ASAP is based on a safety partnership that will include ATO, AOV, and either the National Air Traffic Controllers Association (NATCA) or Professional Airways System Specialists (PASS) as appropriate. To encourage an employee to voluntarily report safety issues, even though they may involve the employee's possible noncompliance with Air Traffic Regulations and other requirements, reporting incentives should be designed into the program.

- a. Information obtained from the ASAP program will provide participants with a mechanism to identify actual or potential risks throughout their operations, without fear of credential action by the regulator (AOV). Once identified, the parties to the ASAP can implement corrective actions in order to reduce the likelihood for reoccurrence of operational errors, incidents, or other safety related events. In order to gain the greatest possible positive benefit from ASAP, it is necessary for ATO to develop programs that are compatible with Aviation Safety Information Analysis and Sharing (ASIAS) data collection, analysis, storage, and retrieval systems requirements. The information and data, which are collected and analyzed, can be used as a measure of ATO system safety.
- b. An ASAP provides a vehicle whereby credentialed employees of ATO can identify and report safety issues to management for resolution—without fear that ATO or AOV will use reports accepted under the program to take disciplinary or credential action against them. ASAP programs are designed to encourage participation from ATO credentialed safety personnel.

- c. The elements of ASAP will be set forth in a Memorandum of Understanding (MOU) between ATO, AOV, and either National Air Traffic Controller's Association (NATCA) or Professional Airways System Specialists (PASS).

2. CANCELLATION

3. BACKGROUND. The FAA mission and Flight Plan require that the ATO take action to reduce or eliminate the likelihood of the recurrence of air traffic incidents, operational errors, and accidents. Over the last several years, ATO and AOV have sought innovative means for addressing safety problems and identifying potential safety hazards through mechanisms such as the Safety Council and through a more formal compliance process described in FAAO 8000.86. Additionally, FAA and the air transportation industry previously established ASAP's in an effort to increase the flow of safety information to both the air carrier and the FAA. These programs included incentives to encourage employees of air carriers participating in the programs to disclose information which may include possible noncompliance without fear of punitive enforcement sanctions for reports accepted under the program. Based on the lessons learned from government oversight of the air transportation industry, this SOC seeks to establish similar guidance so that safety goals are achieved.

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

a. Consensus of the Event Review Committee (ERC). Under ASAP, consensus of the ERC means the voluntary agreement of all representatives of the ERC to each decision required by the MOU.

f. Corrective Action. For the purposes of ASAP, corrective action refers to any safety-related intervention or action determined necessary by the ERC based upon a review and causal factors analysis of the reports submitted under the ASAP. Corrective action may involve intervention at the individual, supervisory, or organizational levels

g. Covered Under the Program/Qualified for Inclusion/Included in ASAP. For the purposes of ASAP, these terms all have the same meaning. They mean that the reporting incentives and other provisions of the ASAP apply to the employee who submitted the report.

h. Reporting Incentive. Refers to an assurance that lesser action will be used to address certain alleged noncompliance with air traffic requirements to encourage participation.

i. Event Review Committee (ERC). A group comprised of a representative from each party to the ASAP MOU. The group reviews and analyzes reports 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 is comprised of a management representative from the ATO, a representative from either NATCA or PASS, as applicable, and a representative from AOV.

j. Intentional Falsification. For the purposes of ASAP, intentional falsification means a false statement in reference to a material fact made with prior knowledge. It does not include mistakes or inadvertent omissions or errors.

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

m. Party/Parties. Refers to ATO, AOV, and any other person or entity (e.g., NATCA or PASS that is a signatory to the ASAP MOU.

n. 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.

p. Sole-Source Report. For the purposes of ASAP, the ERC shall consider a report to be sole-source when all evidence of the event available to ATO outside of ASAP is discovered by or otherwise predicated on the ASAP report. It is possible to have more than one sole-source report for the same event.

(Similarly, for the purpose of any additional action taken by the ATO outside of ASAP, AOV considers a report to be sole-source when all evidence of the event known to the air traffic facility is discovered by or otherwise predicated on the ASAP disclosure. AOV and ATO do not use any information obtained through ASAP to initiate or support disciplinary action outside of ASAP, with the exception of those events excluded from ASAP due to the appearance of possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification.)

q. Sufficient Evidence. Sufficient evidence means evidence gathered by an investigation not caused by, or otherwise predicated on, the individual's safety-related report. There must be objective evidence to prove the noncompliance, other than the individual's safety-related report. In order to be considered objective evidence under ASAP, the ERC must determine that the evidence (other than the individual's safety-related report) would likely have resulted in AOV removal of the controllers credential had the individual's safety-related report not been accepted under ASAP.

r. Voluntary Disclosure Policy. A policy under which ATO (as an organization) may voluntarily report apparent non-compliances of air traffic regulations and develop corrective action satisfactory to AOV to preclude their recurrence. ATO facilities that satisfy the elements of the Voluntary Disclosure Policy receive a letter of correction in lieu of a letter of investigation, letter of warning, or safety directive. Voluntary disclosure reporting procedures requirements are in development and scheduled for completion by AOV during FY-2008.

5. APPLICABILITY. ASAP is intended for ATO. ASAP is entered into voluntarily by AOV, ATO, and either NATCA or PASS, as appropriate.

6. DEVELOPMENT. ATO may develop programs as required by FAA Order JO 1000.37, chapter 6, paragraph 2b and submit them to AOV for review and acceptance in accordance with the guidance provided herein. Ordinarily, programs are developed for specific employee groups, such as controllers or ATSS personnel. AOV will determine whether a program is accepted.

a. Development Considerations. The development and implementation of an ASAP is a multifaceted task:

(1) ATO, AOV, NATCA, or PASS must first develop a relationship that will promote the ASAP concept. The reluctance of one or more parties to commit to the program is detrimental to the process.

(2) The process for reporting reviews must be outlined in detail.

(3) Safety data collection, analysis, and retention processes must be developed and agreed upon, and compliant with the following:

A. ASAP Taxonomies used in ASIAS (Aviation Safety Information Analysis and Sharing).

B. DNAA (De-identified National ASAP Archive)

C. CICTT (CAST ICAO Common Taxonomy Team) Standards

D. 100% capture of all submitted ASAP reports

(4) Event investigation tasks must be assigned.

(5) Prior to the implementation of the ASAP, a comprehensive ATO employee and management education program must be undertaken.

(6) The ASAP process will require cultural change for all parties involved.

(7) Continuity of ERC representation personnel during the early stages of program implementation will promote the desired partnership relationship between program members.

b. Demonstration Programs. ATO initially must develop a separate demonstration program for each employee group under consideration for an ASAP. The objective of a demonstration program is to measure its effectiveness and ensure that it meets the safety objectives of the specific ASAP MOU.

(1) The initial demonstration program shall be at least 18 months long to achieve the desired goals and benefits articulated in the program, however should have a duration of no longer than 30 months.

(2) At the conclusion of the initial demonstration program, all parties will review the program. Demonstration programs that require modification may be extended for an additional time, not to exceed 12 months, to effectively measure any change(s) made to the original program to address a deficiency identified by any of the parties to the MOU.

c. Continuing Programs. After a demonstration program is reviewed and determined to be successful by the parties to the agreement, it may be accepted as a continuing program, subject to review and renewal every 2 years by AOV.

d. Withdrawal. Regardless of the duration of a program, any party to the ASAP MOU may withdraw from the program at any time. At that time, the ASAP program is terminated.

7. RESOURCES. An ASAP can result in a significant commitment of both human and fiscal resources by the parties to the program. During the development of a program, it is important that each party be willing to commit the necessary personnel, time, and monetary resources to support the program.

8. PROCESSING OF REPORTS.

a. Event Review Committee (ERC) Process. The determination of whether reports qualify for inclusion in the ASAP will be made by a consensus of the ERC.

(1) The ERC is composed of one designated representative and an alternate each from AOV, ATO, and either NATCA or PASS, as appropriate.

(2) The ERC will:

___ review and analyze reports submitted under the ASAP

___ determine whether such reports qualify for inclusion

- ___ identify actual or potential problems from the information contained in the reports, and
- ___ propose solutions for those problems

(3) For official meeting purposes, a quorum exists when all designated ERC representatives, or their alternates, are present (face to face or remotely). Some reported events may involve matters that are complex or sensitive, or that require the expertise of other FAA or industry persons. The ERC representatives are encouraged to consult with such persons as needed during the ASAP process.

b. Consensus of the ERC. The success of ASAP is built on the ability of the ERC to achieve consensus on each event that is reported. Consensus of the ERC means the voluntary agreement of all representatives of the ERC.

(1) The ERC must reach a consensus when deciding whether a report is accepted into the program and when deciding on corrective action recommendations arising from the event, including any ATO Performance Management action or AOV credential action. It does not require that all members believe that a particular decision or recommendation is the most desirable solution, but that the result falls within each member's range of acceptable solutions for that event in the best interest of safety. In order for this concept to work effectively, the ERC representative must be empowered to make decisions within the context of the ERC discussions on a given report. ATO management and supervisors should not preempt their respective ERC representative's decision-making discretion for an event reported under ASAP. If the parties to an ASAP MOU do not permit their respective ERC representative to exercise this discretion, the capacity of the ERC to achieve consensus will be undermined, and the program will ultimately fail.

(2) AOV will not use the content of an ASAP report in any subsequent credential action except as described in paragraph 11c(2). However, recognizing that AOV holds regulatory authority to enforce the necessary air traffic rules and regulations, it is understood that AOV retains all legal rights and responsibilities contained in FAA Order 1100.161, FAA Order 8000.90, and FAA Order 8000.86 in the event there is not a consensus of the ERC on decisions concerning a report involving an apparent noncompliance(s), or qualification issue.

(3) Neither AOV nor ATO will initiate or support disciplinary actions for an ERC accepted report without having knowledge of the event from other sources, provided those reports meet the requirements outlined in paragraph 9.

c. Reports Involving Medical Certification or Medical Qualification Issues. When the ERC becomes aware of an issue involving the medical qualification or medical certification of a controller, the ERC must immediately advise the appropriate Regional Flight Surgeon about the issue. The ERC will work with the Regional Flight Surgeon and the certificate holder's medical department or medical consultants to resolve any medical certification or medical qualification issues or concerns revealed in an ASAP report or through the processing of that report. The AOV ERC member must follow the direction(s) of the Regional Flight Surgeon with respect to any medical certification or qualification issue(s) revealed in an ASAP report.

9. GUIDELINES FOR ACCEPTANCE OF REPORTS UNDER ASAP.

a. General. Participation in ASAP is limited to AOV Credential Holders and to events occurring while acting in that capacity. Each employee participating in ASAP must individually submit a report in order to receive the credential-related incentives and benefits of the ASAP policy. However, in cases where an event is reported by more than one person, each individual who seeks coverage under ASAP may either sign the same report or submit separate signed reports.

b. Criteria for Acceptance. The following criteria must be met in order for a report involving a possible non-compliance to be covered under ASAP:

(1) The employee must submit a report in a timely manner. In order to be considered timely, a report must be submitted in accordance with either of the following two criteria:

(a) Within a time period following the event that is defined in the MOU, such as within 24 hours of the end of the duty day in which the event occurred. If this criterion has been met, a report would not be rejected for timeliness, even if ATO or AOV were already aware of the possible noncompliance with the regulations, and may have brought it to the attention of the employee;

(b) Within 24 hours of having become aware of possible noncompliance with Air Traffic Orders or regulations: If a report is submitted later than the time period after the occurrence of an event stated in the MOU, the ERC will review all available information to determine whether the employee knew or should have known about the possible noncompliance with air traffic regulations within that time period. If the employee did not know or could not have known about the apparent noncompliance within that time period, then the report would be included in ASAP, provided the report is submitted within 24 hours of having become aware of possible noncompliance with air traffic regulations, and provided all other ASAP acceptance criteria have been met. If the employee knew or should have known about the apparent noncompliance, then the report will not be included in ASAP.

(2) The alleged regulatory non-compliance must be inadvertent, and must not appear to involve an intentional disregard for safety.

(3) The reported event must not appear to involve criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification.

(4) Sole-source reports that meet all of the above acceptance criteria except timely submission will be accepted under ASAP.

c. Repeated Noncompliance's. Reports involving the same or similar possible noncompliance with air traffic regulations that were previously addressed with administrative/performance management action under ASAP will be accepted into the program, provided they otherwise satisfy the acceptance criteria under paragraphs 9a and 9b above. The ERC will consider on a case-by-case basis the corrective action that is appropriate for such reports.

d. Non-Reporting Employees Covered Under an ASAP MOU. If an ASAP report identifies another covered employee of the ATO in a possible noncompliance, and that employee has neither signed that report nor submitted a separate report, the ERC will determine on a case-by-case basis whether that employee knew or reasonably should have known about the possible noncompliance. If the ERC determines that the employee did not know or could not have known about the apparent noncompliance(s), and the original report otherwise qualifies for inclusion under ASAP, the ERC will offer the non-reporting employee the opportunity to submit an ASAP report. If the non-reporting employee submits

a report within 24 hours of notification from the ERC, that report will be afforded the same consideration under ASAP as that accorded the report from the original reporting employee, provided all other ASAP acceptance criteria are met. However, if the non-reporting employee fails to submit a report within 24 hours of notification, the possible noncompliance by that employee will be referred to AOV for additional investigation and reexamination and/or credential action, as appropriate, and for referral to law enforcement authorities, if warranted.

e. Non-Reporting Employees Not Covered Under the MOU. If an ASAP report identifies another ATO employee who is not covered under the MOU, and the report indicates that employee may have been involved in a possible noncompliance, the ERC will determine on a case-by-case basis whether it would be appropriate to offer that employee the opportunity to submit an ASAP report. If the ERC determines that it is appropriate, the ERC will provide that employee with information about ASAP and invite the employee to submit an ASAP report. If the employee submits an ASAP report within 24 hours of notification, that report will be covered under ASAP, provided all other ASAP acceptance criteria are met. If the employee fails to submit an ASAP report within 24 hours of notification, the possible noncompliance by that employee will be referred to AOV for additional investigation and reexamination and/or credential action, as appropriate, and for referral to law enforcement agencies, if warranted.

10. GUIDELINES FOR EXCLUDING REPORTS FROM ASAP.

a. Exclusion. The following types of reports are excluded under an ASAP:

(1) Reports involving an apparent noncompliance that is not inadvertent or that appears to involve an intentional disregard for safety.

(2) Reports that appear to involve possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification.

(3) Untimely reports excluded under paragraph 9b(1) or reports where a consensus on acceptance under paragraph 9 is not reached by the ERC.

(4) Reports of events that occurred when NOT acting as an ATO employee.

b. Failure to Complete Corrective Action. Reports initially included in an ASAP will be excluded from the program if the employee fails to complete the recommended corrective action in a manner satisfactory to all members of the ERC. In those cases, failure of any individual to complete corrective action for an apparent noncompliance, a qualification issue, or medical certification or qualification issue in a manner acceptable to all members of the ERC, may result in the reopening of the case and referral of the matter for appropriate action.

11. ENFORCEMENT POLICY.

a. AOV Investigation of Events Involving Possible Noncompliance with FAA directives. In accordance with FAA Order 1100.161, AOV is responsible for the safety oversight of ATO. However, ATO is responsible for the safety of the NAS and has investigative responsibility regarding events reported to the ASAP ERC.

(1) AOV or ATO ERC representatives are empowered to complete ASAP investigations and are responsible for coordinating all corrective and administrative actions in accordance with the current versions of the following FAA orders, as applicable:

(a) Order 7110.65, Air Traffic Control;

Order 3120.4
Order 7210.3
Order 7210.55
Order 7210.56
Order 7050.1
Order 7610.4

- (b) Order 8020.16, Aircraft Accident and Incident Notification, Investigation, and Reporting;
- (c) Order JO 1000.37, ATO Safety Management System

b. Reports Covered Under ASAP.

(1) Those non-sole-source reports included in ASAP with sufficient evidence (see paragraph 4q for the definition of sufficient evidence) to support a noncompliance of Air Traffic Regulations will be closed without ATO disciplinary or AOV credential action.

(2) Those sole-source reports that are included in ASAP will be closed without ATO disciplinary or AOV credential action.

(3) Those reports included in ASAP that demonstrate a lack of qualification or raise a question of a lack of qualification will be addressed with appropriate corrective action recommended by the ERC.

c. Reports Excluded From ASAP.

(1) Reported events that are excluded from ASAP will be entered into the ASAP database and referred to ATO-S investigations for possible compliance action and/or re-examination in accordance with 7210.56 or 8020.16 as appropriate.

(2) Reports of events that appear to involve possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification will be referred to an appropriate FAA office for further handling. The FAA may use such reports for any enforcement purposes, and will refer such reports to law enforcement agencies, if appropriate. If upon completion of subsequent investigation it is determined that the event did not involve any of the aforementioned activities, then the report will be referred back to the ERC for a determination of acceptability under ASAP. Such reports will be accepted under ASAP provided they otherwise meet the acceptance criteria contained in paragraph 9 of this safety oversight circular.

(3) Neither the written ASAP report nor the content of the written ASAP report will be used to initiate or support ATO discipline or as evidence for any purpose in a AOV credential action except as provided for in 11c(2). The ATO or AOV may conduct an independent investigation of an event disclosed in a report only if the event was known from other sources.

12. REOPENING REPORTS BASED ON NEW EVIDENCE. All safety-related reports should be fully evaluated and, to the extent appropriate, investigated by the ATO. A closed ASAP case, including any related investigative report (IR) involving a noncompliance addressed without action taken, may be reopened and appropriate intervention action taken if evidence is discovered at a later time that establishes that the noncompliance should have been excluded from the program.

13. NONCOMPLIANCES BY ATO. Apparent noncompliance of ATO disclosed through a safety-related report under an ASAP may be handled under the Voluntary Disclosure Policy, provided the credential holder voluntarily reports the apparent noncompliance to the FAA and the other elements of that policy are met (Voluntary disclosure reporting procedures requirements are in development and scheduled for completion by AOV during FY-2008).

14. EXAMPLES. The following are examples of the disposition of events involving possible noncompliance with air traffic regulations reported under ASAP:

a. Accepted Reports.

(1) **Non-Sole-Source Report with Sufficient Evidence (Controller).**

(2) **Untimely Sole-Source Report (Controller) (In accordance with paragraph 9).**

b. Excluded Events. Examples of events involving possible noncompliance with Air Traffic Regulations that would be excluded from the ASAP:

(1) **Intentional Disregard for Safety (Controller).**

(2) **Intentional Disregard for Safety (Front Line Manager-Supervisor).**

15. CORRECTIVE ACTION. The ERC will work with ATO to develop acceptable corrective action plans that will be taken based on information obtained under the ASAP. The corrective action must be completed in a manner satisfactory to all members of the ERC. Failure of ATO to follow through with corrective action acceptable to all members of the ERC to resolve any safety deficiencies will ordinarily result in termination of the program. In addition, failure of any individual to complete corrective action for an apparent noncompliance, a qualification issue, or medical certification or qualification issue in a manner acceptable to all members of the ERC, may result in the reopening of the case and referral of the matter for appropriate action.

16. MEMORANDUM OF UNDERSTANDING. The provisions of an ASAP that is acceptable to AOV 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 which is available as an automated template (accessible on the Air Traffic Safety Oversight AOV webpage, is provided in appendix 1. Each MOU will be based on the parties' different needs and purposes for an ASAP.

a. MOU Elements. The MOU should set forth the elements of the ASAP, including at least the following which must be consistent with the guidance of this SOC:

(1) The identification of who the program applies to: ATCS, ATSS, or TMC (as appropriate).

(2) The identification of the type of program and the employee group(s) to which it pertains. The types of programs are:

(a) Demonstration Program;

(b) Renewal of Demonstration Program;

(c) Continuing Program; or

(d) Renewal of a Continuing Program.

(3) The duration of the program should be limited to the period of time needed to achieve the desired goals and benefits articulated in the program. Demonstration programs

initially should have a duration of no longer than 18 months and should be reviewed prior to renewal. Demonstration programs that undergo changes after their initial review may be renewed for no longer than 12 months. Programs that are classified as “Continuing” must be reviewed and renewed every 2 years.

(4) A statement that all parties to the ASAP have entered into this agreement voluntarily.

(5) A description of the objective(s), including the essential safety information that is reasonably expected to be obtained through the program, any specific safety issues that are of a concern to any of the parties, and the benefits to be gained through the use of the program.

(6) A description of any enforcement-related incentive that is needed to achieve the desired goal and results of the program.

(7) A statement that all safety-related reports shall be fully evaluated and, to the extent appropriate, investigated by the ERC.

(8) A description of the manner in which ASAP records and reports shall be kept. All records and documents relating to an ASAP must be appropriately kept in a manner that ensures compliance with Air Traffic Regulations and all applicable law.

(9) A description of the process for timely reporting to AOV all events disclosed under the program.

(10) A description of the procedures for the resolution of those events that are safety-related, and procedures for continuous tracking and analysis of safety-related events.

(11) A statement of the ASAP report acceptance and exclusion criteria.

(12) A description of 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 (audit) conducted by the ATO or any other party individually.

(13) A statement that the ERC shall be comprised of one representative from each party to the MOU, and a description of the duties of the ASAP manager. The ASAP manager may either be the same individual assigned as the ATO management representative to the ERC, or it may be another individual assigned by the ATO who will not serve as a voting member of the ERC.

(14) A description of the process for training and distributing information about the program to AOV Credential Holders and management, as well as procedures for providing feedback to individuals who make safety-related reports under the program.

(15) A statement that modifications of the MOU must be accepted by all parties.

(16) A statement that 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, e.g., 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.

(17) A statement that the program can be terminated at any time, by any party.

(18) A statement that failure of any party to follow the terms of the agreement ordinarily will result in termination of the program.

(19) A statement that failure of ATO to follow through with corrective action acceptable to AOV to resolve any safety deficiencies ordinarily will result in termination of the program.

(20) A detailed description of the following concepts and how they will be used:

(a) Event Review Committee;

- (b) Consensus of the ERC;
- (c) Sole-source reporting;
- (d) Sufficient evidence; and
- (e) Credential-related incentive.

(21) A statement that repeated instances involving the same or similar possible noncompliance with air traffic regulations that were previously addressed under the ASAP will be accepted into the program, provided that they otherwise meet the acceptance criteria of ASAP. The ERC will consider on a case-by-case basis the corrective action that is appropriate for such reports.

(22) ASAP reports that include other ATC facilities or possible pilot deviations should include procedures in the MOU to identify the date, time, location or fix, altitude, sector or position number, and ATC frequency at the time the event occurred.

(23) A statement that employees initially covered under an ASAP will be excluded from the program and not entitled to the credential-related incentive if they fail to complete the recommended corrective action in a manner satisfactory to all members of the ERC. These cases may result in the reopening of the case and referral of the matter for appropriate action.

(24) A statement that any safety-related ASAP event that concerns an apparent noncompliance(s) with air traffic regulations that is EXCLUDED from ASAP, will be entered into the ASAP database and referred by the ATO ERC representative to ATO-S for additional investigation or reexamination, and to AOV for credential action, as appropriate.

(25) A statement that a closed ASAP case that involves a noncompliance that did not receive an appropriate intervention may be reopened if additional evidence is later discovered that establishes that the interventions were insufficient, or that the event should have been excluded from the program.

(26) A statement that when the ERC becomes aware of an issue involving the medical qualification or medical certification of an airman, the ERC must immediately advise the appropriate Regional Flight Surgeon about the issue. The ERC will work with the Regional Flight Surgeon and the credential holder's medical department or medical consultants to resolve any medical certification or medical qualification issues or concerns revealed in an ASAP report, or through the processing of that report. The ATO ERC member must follow the direction(s) of the Regional Flight Surgeon with respect to any medical certification or qualification issue(s) revealed in an ASAP report.

(27) A statement that reports that appear to involve possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification will be referred to an appropriate FAA office for further handling. The FAA may use such reports for any enforcement purposes and will refer such reports to law enforcement agencies, as appropriate.

(28) A statement that the ASAP manager will maintain an electronic data base that tracks each event through and including closure of that event by the ERC and enables trend analysis.

b. Signatories. The MOU must be signed by an authorized representative of each party.

17. ACCEPTANCE/RENEWAL PROCEDURES.

a. Review. The ATO should initially develop and present the program to AOV for review. If the proposed MOU does not employ the automated template from the AOV

ASAP webpage (accessible at <http://www.faa.gov/avs/aov>), a completed ASAP checklist (found in Appendix 2 to this SOC and on the webpage) and the proposed MOU should be forwarded to AOV for review. The ATO and AOV will jointly review the MOU to ensure that it satisfies the guidance in SOC 07-ASAP, and other orders as applicable.

b. Procedures. When the ATO is satisfied that the program is acceptable under the SOC guidance of ASAP, the ATO forwards an electronic copy of the proposed MOU as well as the recommendation for acceptance to the respective AOV regional office and to the headquarters AOV ASAP program office. If the proposed MOU does not employ the automated template from the AOV SOC ASAP webpage, the completed ASAP checklist (found in Appendix 2 to this SOC and on the webpage) ATO should forward the proposed MOU for processing. All programs, except for renewals of continuing programs, shall receive authorization for final acceptance from the Director, Air Traffic Safety Oversight Service, AOV-1. AOV-1 will indicate acceptance authorization for the MOU by FAA memorandum to the ATO through the service area director. Following receipt of acceptance authorization from AOV-1, the ATO shall sign the MOU on behalf of the FAA. The credential holder should allow a minimum of 60 days for the AOV acceptance process to be completed once its ASAP program is received at AOV headquarters for review.

NOTE: ASAP Demonstration programs, renewal of a Demonstration program, and the initial acceptance of a Continuing program are processed in the same manner as described in paragraphs 17a and b.

c. Renewal of a Continuing Program. The renewal of a Continuing program is accomplished every 2 years after a review by the parties to the MOU to ensure the particular ASAP program is meeting its objectives. The renewal may be accomplished at the ATO service area level by the ATO service area director signing the MOU on behalf of the ATO. The ATO service area director shall notify the AOV ASAP program office in writing, 60 days in advance of renewing a Continuing ASAP program.

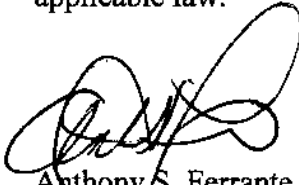
d. MOU Amendments. Any amendments to an MOU that has already been accepted must be coordinated with the AOV headquarters ASAP program office prior to ATO service area director signature, unless those amendments employ the exact language contained in the MOU template on the AOV ASAP webpage. Amendments which employ such pre-approved language may be accepted by the ATO service area director without further coordination, as long as an information copy is provided to the AOV ASAP program office.

e. Revision Control. It is recommended that the ATO employ standard revision control methodology with respect to amendments to the MOU. The original and subsequent revisions thereto should include:

- (1) For each revision to an original MOU:
 - (a) A change control page, identifying the revision number;
 - (b) A brief synopsis of each change to the original document; and
 - (c) Which pages are to be removed and replaced.
- (2) A list of effective pages.
- (3) A table of contents.
- (4) On each page of the MOU, a calendar date for when that page was prepared or revised.
- (5) For all revisions to an original MOU, a revision number on each page which is revised.

(6) Sequential page numbers on all pages of the MOU (except the cover page, if applicable, which shall be understood to constitute page "i").

18. RECORDKEEPING. The parties should maintain those records necessary for a program's administration and evaluation. Records submitted to AOV for review relating to an ASAP are protected to the extent allowed by law under applicable exemptions of the Freedom of Information Act. All records and documents relating to an ASAP must be appropriately kept in a manner that ensures compliance with Air Traffic Regulations and all applicable law.

A handwritten signature in black ink, appearing to read 'Anthony S. Ferrante', written over a horizontal line.

Anthony S. Ferrante
Director, Air Traffic Safety Oversight Service

APPENDIX 1. SAMPLE MEMORANDUM OF UNDERSTANDING

This is a sample of an Aviation Safety Action Program (ASAP) memorandum of understanding (MOU) for a Air Traffic Control Specialists at an air traffic control facility operating under Air Traffic Regulations. The sample is identical to the automated template available on the Air Traffic Safety Oversight Service (AOV) ASAP webpage located at <http://www.faa.gov/avs/aov>. In order to be accepted by the Air Traffic Safety Oversight Service (AOV), the MOU should address the elements of an ASAP that are set forth in AOV SOC guidance material on which this sample is based.

AIR TRAFFIC ORGANIZATION AVIATION SAFETY ACTION PROGRAM (ASAP) FOR AIR TRAFFIC CONTROL SPECIALISTS MEMORANDUM OF UNDERSTANDING

1. GENERAL. ATO and NATCA; ATO and PASS, etc...

2. PURPOSE. The Air Traffic Organization (ATO), Air Traffic Safety Oversight Service (AOV), and the National Air Traffic Controllers Association (NATCA) are committed to improving air traffic safety. Each party has determined that safety would be enhanced if there were a systematic approach for controllers to promptly identify and correct potential safety hazards. The primary purpose of the ATO Aviation Safety Action Program (ASAP) is to identify safety events, and to implement corrective measures that reduce the opportunity for safety to be compromised. In order to facilitate air traffic safety analysis and corrective action, ATO and NATCA join AOV in voluntarily implementing this ASAP for air traffic control specialists, which is intended to improve air traffic safety through controller self-reporting, cooperative follow-up, and appropriate corrective action. This Memorandum of Understanding (MOU) describes the provisions of the program.

3. BENEFITS. The program will foster a voluntary, cooperative, non-punitive environment for the open reporting of air traffic safety concerns. Through such reporting, all parties will have access to valuable safety information that may not otherwise be obtainable. This information will be analyzed in order to develop corrective action to help solve safety issues and possibly eliminate deviations from Air Traffic Regulations. For a report accepted under this ASAP MOU, AOV will use lesser credential action or no credential action, depending on whether it is a sole-source report, to address an event involving possible noncompliance with Air Traffic Regulations. This policy is referred to in this MOU as an "credential-related incentive."

4. APPLICABILITY. The ATO ASAP applies to all air traffic control specialist employees of ATO and only to events that occur while acting in that capacity. Reports of events involving apparent noncompliance with Air Traffic Regulations that is not inadvertent or that appears to involve an intentional disregard for safety, criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification are excluded from the program.

a. Events involving possible noncompliance with Air Traffic Regulations by ATO that are discovered under this program may be handled under the AOV Voluntary Disclosure Policy, provided that ATO voluntarily reports the possible noncompliance to AOV and that the other elements of that policy are met (Voluntary disclosure reporting procedures requirements are in development and scheduled for completion by AOV during FY-2008).

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

5. PROGRAM DURATION. This is a Demonstration Program the duration of which shall be 18 months from the date this MOU is signed by the ATO (following signature by the other parties). If the program is determined to be successful after a comprehensive review and evaluation, the parties intend for it to be a Continuing Program. This ASAP may be terminated at any time for any reason by ATO, AOV, NATCA, or any other party to the MOU. The 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. Failure of any party to follow the terms of the program ordinarily will result in termination of the program. Failure of ATO to follow through with corrective action acceptable to AOV to resolve any safety deficiencies ordinarily will result in termination of the program.

6. REPORTING PROCEDURES. When a air traffic control specialist observes a safety problem or experiences a safety-related event, he or she should note the problem or event and describe it in enough detail so that it can be evaluated by a third party.

a. ASAP Report Form. At an appropriate time during the workday (e.g. after the shift has ended for the day), the employee should complete ATO ASAP Form (ATO Form ASAP-1234) for each safety problem or event and submit it email to the Director of Air Traffic Safety, ATTN: ASAP Manager. If the safety event involves a deviation from an ATC clearance, the controller should note the date, time, place, altitude, flight number, sector/position number and ATC frequency, along with enough other information to fully describe the event and any perceived safety problem.

b. Time Limit. Reports that the ERC determines to be sole-source will be accepted under the ASAP, regardless of the timeframe within which they are submitted, provided that they otherwise meet the acceptance criteria of paragraphs 11a(2) and (3) of this MOU. Reports which the ERC determines to be non-sole-source must meet the same acceptance criteria, and must also be filed within one of the following two possible timeframes:

(1) Within 24 hours after the end of the duty day for the day of occurrence, absent extraordinary circumstances. For example, if the event occurred at 1400 hours on Monday and a controllers shift for that day ends at 1900 hours, the report should be filed no later than 1900 hours on the following day (Tuesday). In order for all employees to be covered under the ASAP for any apparent noncompliance with Air Traffic Regulations resulting from an event, they must all sign the same report or submit separate signed reports for the same event. If the FAA mail system is not available to the controller at the time he or she needs to file a report, the employee may contact the ASAP manager's

office and file a report via fax or telephone within 24 hours after the end of the controllers shift for the day of occurrence, absent extraordinary circumstances. Reports filed telephonically within the prescribed time limit must be followed by a formal report submission within three calendar days thereafter.

(2) Within 24 hours of having become aware of possible noncompliance with Air Traffic Regulations provided the following criteria are met: If a report is submitted later than the time period after the occurrence of an event stated in paragraph 6b(1) above, the ERC will review all available information to determine whether the controller knew or should have known about the possible noncompliance with Air Traffic Regulations within that time period. If the ERC determines that employee did not know or could not have known about the possible noncompliance with Air Traffic Regulations until informed of it, then the report would be included in ASAP, provided the report is submitted within 24 hours of having become aware of possible noncompliance with Air Traffic Regulations, and provided that the report otherwise meets the acceptance criteria of this MOU. If the employee knew or should have known about the possible noncompliance with Air Traffic Regulations, then the report will not be included in ASAP.

c. Non-reporting employees covered under this ASAP MOU. If an ASAP report identifies another covered employee in an event involving possible noncompliance with Air Traffic Regulations and that employee has neither signed that report nor submitted a separate report, the ERC will determine on a case-by-case basis whether that employee knew or reasonably should have known about the possible noncompliance with Air Traffic Regulations. If the ERC determines that the employee did not know or could not have known about the apparent possible noncompliance with Air Traffic Regulations, and the original report otherwise qualifies for inclusion under ASAP, the ERC will offer the non-reporting employee the opportunity to submit his/her own ASAP report. If the non-reporting employee submits his/her own report within 24 hours of notification from the ERC, that report will be afforded the same consideration under ASAP as that accorded the report from the original reporting employee, provided all other ASAP acceptance criteria are met. However, if the non-reporting employee fails to submit his/her own report within 24 hours of notification from the ERC, the possible noncompliance with Air Traffic Regulations by that employee will be referred to an appropriate office within the FAA for additional investigation and reexamination and/or enforcement action, as appropriate, and for referral to law enforcement authorities, if warranted.

7. POINTS OF CONTACT. The ERC will be comprised of one representative from ATO management; one representative from NATCA, and one AOV Air Traffic Safety Inspector (ATSI) assigned as the ASAP representative or designated alternates in their absence. In addition, the ATO Safety Service will designate one person who will serve as the ASAP manager. The ASAP manager will be responsible for program administration, and will not serve as a voting member of the ERC.

8. ASAP MANAGER. When the ASAP manager receives the report, he or she will record the date and time of any event described in the report and the date and time the report was submitted through the FAA mail system. The ASAP manager will enter the report, along with all supporting data, on the agenda for the next ERC meeting. The ERC

will determine whether a report is submitted in a timely manner or whether extraordinary circumstances precluded timely submission. To confirm that a report has been received, the ASAP manager will send a written receipt through the FAA mail system to each employee 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 ERC recommendations.

9. EVENT REVIEW COMMITTEE (ERC). The ERC will review and analyze reports submitted by controllers under the program, identify actual or potential safety problems from the information contained in the reports, and propose solutions for those problems. The ERC will provide feedback to the individual who submitted the report.

a. The ASAP manager will maintain a database that continually tracks each event and the analysis of those events. The ERC will conduct a 12-month review of the ASAP database with emphasis on determining whether corrective actions have been effective in preventing or reducing the recurrence of safety-related events of a similar nature. That review will include recommendations for corrective action for recurring events indicative of adverse safety trends.

b. This review is in addition to any other reviews conducted by the ATO. The ERC will also be responsible for preparing a final report on the demonstration program at its conclusion. If an application for a continuing program is anticipated, the ERC will prepare and submit a report with the ATO Service Area/Facility's (Note: dependent on scope of each ASAP program. i.e. national, service unit, or facility specific) application to AOV 60 days in advance of the termination date of the demonstration 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 or the need to acquire time critical information.

b. The ERC will make its decisions involving ASAP issues based on consensus. Under the ATO ASAP, consensus of the ERC means the voluntary agreement of all representatives of the ERC. It does not require that all members believe that a particular decision or recommendation is the most desirable solution, but that the result falls within each member's range of acceptable solutions for that event in the best interest of safety. In order for this concept to work effectively, each ERC representative shall be empowered to make decisions within the context of the ERC discussions on a given report. The ERC representatives will strive to reach consensus on whether a reported event is covered under the program, how that event should be addressed, and the corrective action or any enforcement action that should be taken as a result of the report. For example, the ERC should strive to reach a consensus on the recommended corrective action to address a safety problem such as an operating deficiency or noncompliance with an air traffic regulation reported under ASAP. The corrective action process would include working the safety issue(s) with the appropriate facility or service area and the ATO that have the expertise and responsibility for the safety area of concern. AOV will

not use the content of an ASAP report in any subsequent credential action except as described in paragraph 11c(2). However, recognizing that AOV holds regulatory authority to enforce the necessary air traffic rules and regulations, it is understood that AOV retains all legal rights and responsibilities contained in FAA Order 1100.161, FAA Order 8000.90, and FAA Order 8000.86 in the event there is not a consensus of the ERC on decisions concerning a report involving an apparent noncompliance(s), or qualification issue. ATO will not use the content of the ASAP report in any subsequent disciplinary action, except as described in paragraph 11a(3) of this MOU.

c. It is anticipated that three types of reports will be submitted to the ERC: safety-related reports that appear to involve a possible noncompliance with Air Traffic Regulations; reports that are of a general safety concern, but do not appear to involve possible noncompliance with air traffic regulations; and any other reports, e.g., involving controller time on position and other issues. All safety-related reports shall be fully evaluated and, to the extent appropriate, investigated.

d. The ERC will forward non-safety reports to the appropriate ATO safety department head for his/her information and, if possible, internal (ATO) resolution. For reports related to air traffic safety, including reports involving possible noncompliance with air traffic regulations, the ERC will analyze the report, conduct interviews of reporting controllers, and gather additional information concerning the matter described in the report, as necessary.

e. The ERC should also make recommendations to ATO for corrective action for systemic issues. For example, such corrective action might include changes to ATO traffic management procedures, airspace, standard operating procedures, or modifications to the training curriculum for controllers. Any recommended changes that affect ATO will be forwarded through the ASAP manager to the appropriate department head for consideration and comment, and, if appropriate, implementation. AOV will work with ATO to develop appropriate corrective action for systemic issues. The ASAP manager will track the implementation of the recommended corrective action and report on associated progress as part of the regular ERC meetings. Any recommended corrective action that is not implemented should be recorded along with the reason it was not implemented.

f. When the ERC becomes aware of an issue involving the medical qualification or medical certification of an airman, the ERC must immediately advise the appropriate Regional Flight Surgeon about the issue. The ERC will work with the Regional Flight Surgeon and the certificate holder's medical department or medical consultants to resolve any medical certification or medical qualification issues or concerns revealed in an ASAP report, or through the processing of that report. The ATO ERC member must follow the direction(s) of the Regional Flight Surgeon with respect to any medical certification or medical qualification issue(s) revealed in an ASAP report.

g. Any corrective action recommended by the ERC for a report accepted under ASAP must be completed to the satisfaction of all members of the ERC, or the ASAP report will be excluded from the program, and the event will be referred to AOV for further action, as appropriate.

h. Use of the ATO ASAP Report: Neither the written report nor the content of the written ASAP report will be used to initiate or support any ATO disciplinary action, or as evidence for any purpose in an AOV credential action, except as provided in paragraph

11a(3) of this MOU. The ATO or AOV may conduct an independent investigation of an event disclosed in a report.

11. AOV ENFORCEMENT.

a. **Criteria for Acceptance.** The following criteria must be met in order for a report to be covered under ASAP:

(1) The employee must submit the report in accordance with the time limits specified under paragraph 6 of this MOU;

(2) Any possible noncompliance with Air Traffic Regulations disclosed in the report must be inadvertent and must not appear to involve an intentional disregard for safety; and,

(3) The reported event must not appear to involve criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. Reports involving those events will be referred to an appropriate FAA office for further handling. The FAA may use the content of such reports for any enforcement purposes and will refer such reports to law enforcement agencies, if appropriate. If upon completion of subsequent investigation it is determined that the event did not involve any of the aforementioned activities, then the report will be referred back to the ERC for a determination of acceptability under ASAP. Such referred back reports will be accepted under ASAP provided they otherwise meet the acceptance criteria contained herein.

c. **Sole-Source Reports.** A report is considered a sole-source report when all evidence of the event is discovered by or otherwise predicated on the report. Apparent noncompliance's disclosed in ASAP reports that are covered under the program and are sole-source reports will be addressed with an ERC response (no AOV action). It is possible to have more than one sole-source report for the same event.

d. **Reports Involving Qualification Issues.** ASAP reports covered under the program that demonstrate a lack, or raise a question of a lack, of qualification of a credential holder employee will be addressed with corrective action, if such action is appropriate and recommended by the ERC.

e. **Excluded from ASAP.** Reported events involving possible noncompliance with air traffic regulations that are excluded from ASAP will be referred by the AOV ERC member to an appropriate office within the AOV for any additional investigation and re-examination and/or credential action, as appropriate.

f. **Corrective Action.** Employees initially covered under an ASAP will be excluded from the program and not entitled to the enforcement-related incentive if they fail to complete the recommended corrective action in a manner satisfactory to all members of the ERC. Failure of an employee to complete the ERC recommended corrective action in a manner satisfactory to all members of the ERC may result in the reopening of the case and referral of the matter for appropriate action.

g. **Repeated Instances of Noncompliance with air traffic regulations,** reports involving the same or similar possible noncompliance with the air traffic regulations that were previously addressed with no intervention under ASAP will be accepted into the program, provided they otherwise satisfy the acceptance criteria in paragraph 6 above. The ERC will consider on a case-by-case basis the corrective action that is appropriate for such reports.

APPENDIX 2. ASAP MOU CHECKLIST

NO.	ITEM	RESPONSE (Circle Yes, No, or NA)	MOU PARAGRAPH REFERENCE
1	Does this program involve a Air Traffic Facility or service area?		Yes No NA
2	Is this ASAP:		
	a Specific to an employee group(s)?		Yes No NA
	b A Demonstration program?		Yes No NA
	c An Extension of a Demonstration program?		Yes No NA
	d A Continuing program?		Yes No NA
	e A renewal of a Continuing program?		Yes No NA
3	Is the duration of the program limited to the period of time needed to achieve the desired goals and benefits articulated in the program? Demonstration programs initially should have a duration of no longer than 18 months and should be reviewed prior to renewal. Demonstration programs that undergo changes after their initial review may be extended for no longer than 12 months. Programs that are classified as Continuing must be reviewed and renewed every 2 years.		Yes No NA
4	Have all parties to the ASAP entered into this agreement voluntarily?		Yes No NA
5	Is there a description of the objective(s) of the program which includes:		
	a The essential safety information that is reasonably expected to be obtained through the program?		Yes No NA
	b Any specific safety issues that are of a concern to any of the parties?		Yes No NA
	c The benefits to be gained through the use of the program?		Yes No NA
6	Is there a description of any enforcement-related incentive that is needed to achieve the desired goal and results of the program?		Yes No NA
7	Is there a statement that all safety-related reports shall be fully evaluated and, to the extent appropriate, investigated by the ERC?		Yes No NA
8	Is there a description of the manner in which ASAP records and reports shall be kept that ensures compliance with Air Traffic Regulations, the Pilot Records Improvement Act (PRIA), and any other applicable law?		Yes No NA

NO. ITEM RESPONSE (Circle Yes, No, or NA) MOU PARAGRAPH REFERENCE

- | | | |
|----|--|-----------------|
| 9 | Is there a description of the process for timely reporting to the ERC all events disclosed under the program? | Yes
No
NA |
| 10 | Is there a description of the procedures that provide for: | |
| a | The resolution of safety-related events? | Yes
No
NA |
| b | Continuous tracking of those events? | Yes
No
NA |
| c | The analysis of safety-related events? | Yes
No
NA |
| 11 | Is there a statement of ASAP report acceptance and exclusion criteria? | Yes
No
NA |
| 12 | Is there a description of 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 or any other party individually). | Yes
No
NA |
| 13 | Are the point(s) of contact responsible for oversight of the program identified for each party? | Yes
No
NA |
| 14 | Is there a description of the process for training and distributing information about the program to certificate holder management and employees and procedures for providing feedback to individuals who make safety-related reports under the program? | Yes
No
NA |
| 15 | Is there a statement that modifications to the MOU must be accepted by all parties? | Yes
No
NA |
| 16 | Is there a statement that 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, e.g., 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. | Yes
No
NA |
| 17 | Is there a statement that the program can be terminated at any time, by any party? | Yes
No
NA |
| 18 | Is there a statement that failure of any party to follow the terms of the agreement ordinarily will result in termination of the program? | Yes
No
NA |

- | | | |
|----|---|-----------------|
| 19 | Is there a statement that failure of a certificate holder to follow through with corrective action acceptable to FAA, to resolve any safety deficiencies, will ordinarily result in termination of the program? | Yes
No
NA |
| 20 | Is there a detailed description of the following concepts and how they will be used: | |
| a | Event Review Committee? | Yes
No
NA |
| b | Consensus of the ERC? | Yes
No
NA |
| c | Sole-source reporting? | Yes
No
NA |
| d | Sufficient evidence? | Yes
No
NA |
| e | Enforcement-related incentive? | Yes
No
NA |
| 21 | Is there a statement that repeated instances involving the same or similar possible noncompliance with Air Traffic Regulations previously addressed with administrative action under the ASAP will be covered under the program, provided that they otherwise meet the acceptance criteria of ASAP? (The determination of appropriate corrective action for such events will be made by the ERC on a case-by-case basis.) | Yes
No
NA |
| 22 | Does the ASAP include an MOU procedure to identify the date, time, location or fix, altitude, flight number, and ATC frequency at the time the event occurred? (This applies to ASAP MOUs that contain provisions for ATC events.) | Yes
No
NA |
| 23 | Is there a statement that employees initially covered under an ASAP will be excluded from the program and not entitled to the enforcement-related incentive if they fail to complete the recommended corrective action in a manner satisfactory to all members of the ERC? (These cases may result in the reopening of the case and referral of the matter for appropriate action.) | Yes
No
NA |
| 24 | Is there a statement that any safety-related ASAP event that concerns an apparent noncompliance(s) that is EXCLUDED from ASAP, will be referred by the AOV ERC representative to an appropriate office within AOV for any additional investigation and reexamination and/or enforcement action, as appropriate? | Yes
No
NA |
| 25 | Is there a statement that a closed ASAP case, including a related FSAS report, that involves a noncompliance addressed with administrative action (need AOV equivalent??) or for which no action has been taken, may be reopened if evidence is later discovered that establishes the event should have been excluded from the program? | Yes
No
NA |

- 26 Is there a statement that when the ERC becomes aware of an issue involving the medical qualification or medical certification of credential holder, the ERC must immediately advise the appropriate Regional Flight Surgeon about the issue? (The ERC will work with the Regional Flight Surgeon and the credential holder's medical department or medical consultants to resolve any medical certification or qualification issues or concerns revealed in an ASAP report, or through the processing of that report. The ATO ERC member must follow the direction(s) of the Regional Flight Surgeon with respect to any medical certification or medical qualification issue(s) revealed in an ASAP report.) Yes
No
NA
- 27 Is there a statement that reports that appear to involve possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification will be referred to an appropriate FAA office for further handling. The FAA may use such reports for any enforcement purposes and will refer such reports to law enforcement agencies, as appropriate. Yes
No
NA