



FAA
AFS-280
Air Carrier Training Systems and Voluntary Safety Programs Branch

Frequently Asked Question on Sole Source in ASAP

Question: Why does the ASAP AC120-66B have two definitions for sole source in Section - one for the FAA, and another for the company?

Answer: For the purpose of the FAA enforcement incentive for reports involving possible violations accepted under ASAP, a report is considered sole source when all evidence of the event available to the FAA outside of ASAP is discovered by, or otherwise predicated upon, the employee's ASAP report. Accepted ASAP reports which are sole source to the FAA are closed with an ERC response, and with ERC recommended corrective action, if appropriate, but no FAA action of any type is taken on such reports. Reports of events involving possible violations for which independent evidence of the event is available to the FAA (i.e. evidence obtained outside of ASAP that is not discovered by, or otherwise predicated upon, the ASAP report), are considered non-sole-source for FAA purposes. Accepted ASAP reports which are non-sole-source to the FAA for which it is determined under ASAP that there is sufficient evidence of a possible violation are closed either with Administrative Action or with Informal Action in accordance with the Enforcement Decision Tool, as determined appropriate by the ASAP ERC.

ASAP reports of events that are known to the company (i.e. knowledge of the event by the company that is not based upon information discovered by, or otherwise predicated upon, the employee's ASAP report) are considered non-sole-source to the company. Nothing in FAA ASAP policy impacts or otherwise modifies a company's right to follow its standard disciplinary action process based on information obtained by the company entirely outside of, and not predicated upon, information in an accepted ASAP report.

However, for ASAP reports of events that are sole source to the company (i.e. events for which all company knowledge of the event is discovered by, or otherwise predicated upon, the employee's ASAP report, it is FAA policy that as a condition for participation in ASAP, the company agrees (and so states in the applicable ASAP MOU) that it will not use information obtained through ASAP to take disciplinary action against an employee outside of ASAP (except for the Big Five).