U.S. Department of Transportation
Federal Aviation Administration

Advisory Circular

Subject: Aviation Safety Action Program | **Date:** DRAFT | **AC No:** 120-66D
Initiated by: AFS-900 | **Change:**

1 **PURPOSE OF THIS ADVISORY CIRCULAR (AC).** This AC provides guidance for establishing and operating an effective Aviation Safety Action Program (ASAP). The objective of an ASAP is to encourage employees (eligible individuals) of aviation organizations (e.g., air carriers and repair stations) to voluntarily report safety information that may be critical to identifying potential precursors to accidents. The Federal Aviation Administration (FAA) has determined that identifying these precursors is essential to further reducing the already low accident rate. The establishment of an ASAP is available to any aviation organization that has the resources and ability to effectively implement and operate an ASAP and is contingent upon the FAA's capacity to effectively manage such an aviation organization's program. Under an ASAP, safety 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 obtained through the reporting process. ASAP participants use ASAP safety data, much of which would otherwise be unobtainable, to develop corrective actions for identified safety concerns, and to educate the appropriate parties to prevent a recurrence of the same type of safety event. This AC contains information that is administrative in nature.

Note: This is a guidance document. Its content is not legally binding in its own right and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with the guidance document is voluntary only. Nonconformity will not affect rights and obligations under existing statutes and regulations.

2 **AUDIENCE.** This AC is directed to the persons referenced in paragraph 1.

3 **WHERE YOU CAN FIND THIS AC.** You can find this AC on the FAA's website at https://www.faa.gov/regulations_policies/advisory_circulars and the Dynamic Regulatory System (DRS) at https://drs.faa.gov.

4 **WHAT THIS AC CANCELS.** AC 120-66C, Aviation Safety Action Program, dated March 31, 2020, is canceled.

5 **DEFINITIONS.** For more information on key terms and phrases related to an ASAP, see Appendix A, Key Terms.

6 BACKGROUND. The primary objective of voluntary safety programs is to identify hazards and unsafe conditions in the National Airspace System (NAS) so that corrective action can be taken to eliminate or reduce the hazard or unsafe condition. Aviation safety is well served by incentives that encourage aviation organizations to establish programs to identify and correct their own instances of noncompliance while investing in the prevention of recurrences. The FAA's policy of forgoing enforcement actions when one of these aviation organizations detects violations, discloses the violations to the FAA, and takes prompt corrective action to ensure that the same or similar violations do not recur is designed to encourage compliance with FAA regulations, foster safe operating practices, and promote the development and maturation of effective Internal Evaluation Programs (IEP) and Safety Management Systems (SMS).

7 PRINCIPAL CHANGES. This AC revision contains the following key changes:

7.1 Corporate ASAP Memorandum of Understanding (MOU). An optional MOU that covers multiple, defined employee groups in an aviation organization under a single MOU, regardless of its size, scope, and complexity. This can include multiple aviation organizations owned by the same parent company/corporation and overseen by a single responsible Flight Standards office.

7.2 The Big Five. Amended language explicitly distinguishes the individual who identifies and reports a safety concern from those who committed misconduct associated with criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. Also, clarity has been added to the process of the FAA returning a rejected event back to the event review committee (ERC) to address, capture, and benefit from the safety data.

7.3 Reopening Reports Based on New Evidence. A closed ASAP report may be reopened if new evidence requires the ERC to reconsider its acceptance or rejection decision in the case.

7.4 ERC Composition. The FAA office manager may appoint an FAA inspector to the ERC that is not of the specialty appropriate to a specific ERC if the manager determines that inspector to be the most qualified. Additionally, the FAA ERC representative does not choose or approve the appointment of the other two signatory representatives; however, aviation organization and labor group ERC representatives should also be qualified.

7.5 Consensus Cannot Be Achieved. In the event there is not a consensus of the ERC on decisions concerning a report involving an apparent violation(s), or a medical certification or qualification issue, the FAA ERC representative decides whether to accept or reject the report. This applies to all events (not just the Big Five events), apparent violation(s), or medical certification or qualification issue(s).

8 APPLICABILITY. ASAPs are designed for designated individuals/employees of aviation organizations. The FAA approves each program on a case-by-case basis with respect to resources and program requirements. The aviation organization's ASAP may cover employees of a contractor only if contractual arrangements between the parties

specifically provide that the contractor and its employees abide by the terms of the applicable ASAP MOU and the decisions of the aviation organization's ERC. In order for the program to cover contract employees, the applicable ASAP MOU stipulates that such contractual arrangements are in place.

9 **ENFORCEMENT-RELATED INCENTIVE.** In order to encourage participation in the ASAP, the FAA assures that no action will be used to address apparent violations of the regulations, unless specifically rejected, as explained in paragraph 18.

10 **ASAP INTERFACE WITH THE AVIATION ORGANIZATION'S SMS.** The FAA encourages SMS interfaces with voluntary safety programs like ASAP. Title 14 of the Code of Federal Regulations (14 CFR) § 5.71 requires (and AC 120-92, Safety Management Systems for Aviation Service Providers, specifies) that aviation organizations, required to comply with 14 CFR part 5, provide a means for employees to communicate safety information to management without fear of reprisal. The ASAP is a viable option to meet the SMS requirement. If an operator elects this option, it should work collaboratively with the ERC to establish the specifics for program administration. ASAP design should include a periodic review of aggregate de-identified ASAP data to identify latent risks in the system and ensure data protection for aggregate ASAP data utilized during Safety Assurance (SA) and Safety Risk Management (SRM) processes. Appropriate event recaps, data, and trend information derived from filed and processed reports, and ASAP analyses in accordance with the aviation organization's defined ASAP procedures, should interface into the aviation organization's SMS processes. The ASAP has traditionally been focused on achieving individual corrective actions; however, it can identify aggregate reporting data indicators of new hazards, systemic issues, or ineffective risk controls across a larger segment of flight operations. ASAP data provides a safety component that an aviation organization may use to improve their safety processes for continuous predictable reliability. Aggregate de-identified ASAP event data supports early identification of hazards and associated risks, as well as support SA and SRM processes within the aviation organization.

11 **COMPLIANCE PROGRAM.** In order to promote the highest level of safety and compliance with regulatory standards, the FAA is implementing SMS constructs based on comprehensive safety data sharing between the FAA and the aviation community. To foster this open and transparent exchange of data, the FAA believes that FAA Order 8000.373, Federal Aviation Administration Compliance Program, supported by an established safety culture, is instrumental in ensuring both compliance with regulations and the identification of hazards and management of risk. When deviations from regulatory standards do occur, the FAA's goal is to use the most effective means to return an individual or aviation organization that holds an FAA certificate, approval, authorization, permit, or license to full compliance and to prevent recurrence. Administrative actions are not processed for accepted ASAP reports and are no longer required for Voluntary Disclosure Reporting Program (VDRP) disclosures.

12 **INFORMATION SUBMISSION.** An ASAP report provides a vehicle whereby employees of participating aviation organizations with an established ASAP MOU can identify and report safety issues to management and to the FAA for resolution. The

ASAP is designed to encourage participation from various employee groups (e.g., pilots, mechanics, flight attendants, dispatchers, and ramp workers).

13 CONTINUING PROGRAMS. The FAA now categorizes all ASAPs as continuing programs. These programs are subject to a review by the signatories to the MOU every 2 years to ensure appropriate objectives are met. In addition, the Flight Standards Service (FS) conducts random reviews to collect information, data, and feedback from participants that will validate whether objectives of the program are being achieved and properly documented.

14 EVENT REVIEW COMMITTEE (ERC). An ERC is a group comprised of a representative, and alternate, if possible, from each party to an ASAP. The ERC is comprised of a management representative from the aviation organization, a representative from the employee group or employee labor association (if applicable), and a qualified FAA inspector from the responsible Flight Standards office. (Refer to FAA Order 8900.1, Volume 11, Chapter 2, Section 1, Aviation Safety Action Program.) The FAA office manager may appoint an FAA inspector to the ERC that is not of the specialty appropriate to a specific ERC if the manager determines that inspector to be the most qualified. Additionally, the FAA ERC representative does not choose or approve the appointment of the other two signatory representatives; however, the aviation organization and labor group ERC representatives should also be qualified. Where an employee group is not represented by a labor association, the ERC may include a voting representative chosen from the employee group.

14.1 Attendance vs. Participation. FAA participation in ERCs is essential. The FAA ERC representative should be diligent with respect to his or her participation and promotion of the program. Reports associated with criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification (the Big Five), regulatory noncompliance, reckless conduct, or a medical certification or qualification issue require FAA attendance with the ERC. However, for reports that are not associated with such conduct, FAA attendance at certain ERC meetings may not be necessary, at the discretion of the FAA ERC member. Prior to the ERC meeting, the ASAP manager provides the ASAP reports that the ERC will review at that meeting so that the FAA ERC member can determine whether his or her attendance at the meeting is necessary. Additionally, for ERC meetings not attended by the FAA ERC member, the ASAP manager provides the FAA ERC member with the minutes from such meetings so that he or she can ensure appropriate safety-based responses.

14.1.1 Level of FAA Attendance at ASAP ERC Meetings. The level of FAA attendance at ASAP ERC meetings will be decided by the appropriate FAA signatory to the MOU. Please note the distinction between participation and attendance. The FAA will continue to participate in an ASAP. The FAA ERC member will continue to review all reports prior to an ERC meeting and, if necessary, attend ERC meetings. The FAA ERC member will continue to review the outcomes of the ERC meetings. However, this guidance permits, under controlled and known circumstances, optional FAA attendance at an ERC meeting.

14.1.2 Mandatory FAA Attendance at ERC Meetings. The FAA requires its ERC representative to attend an ERC meeting when it includes reports associated with regulatory noncompliance, reckless conduct, intentional conduct, the Big Five (i.e., criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification), medical certification or qualification issues, non-consensus, or violations.

14.1.2.1 The FAA ERC representative should be able to determine whether his or her participation at the ERC meeting is required from reviewing the report in advance of the meeting.

14.1.2.2 ASAP strengths and weaknesses are unique to each program, so several factors should be considered when designing the particulars of FAA ERC attendance when such attendance otherwise is not mandatory. Some of those factors include office resources, level of ERC participant training and experience, maturity of the program, quality of the operator's SMS (if applicable), history of the operator's posture regarding regulatory compliance, and open sharing of data. Furthermore, since an ASAP serves as a conduit to obtain safety-related data that would otherwise be unobtainable, the specific interests and methods for data sharing should be addressed.

14.2 ERC Responsibilities:

1. Review and analyze safety reports submitted under the ASAP.
2. Determine whether submitted reports meet any criteria for rejection, such as the Big Five and the involvement of the submitter.
3. Identify actual or potential safety issues from the information contained in the reports.
4. Investigate reported events. The ERC may conduct interviews, when appropriate.

   Note: A closed ASAP report may be reopened if new evidence requires the ERC to reconsider its acceptance or rejection decision in the case.

5. Propose solutions for safety issues identified in reports.
6. Identify and communicate effective corrective actions and recommendations.
7. Conduct an annual review of the ASAP database to determine whether corrective actions have been effective in preventing or reducing the recurrence of safety-related events. Additionally, the review should ensure that corrective actions have not been subsequently negated through implementation of other aviation organization actions (e.g., manual revisions, checklist modifications, training, etc.).

14.3 ASAP Manager Responsibilities. The aviation organization should select an ASAP manager to serve as the program administrator. When third-party facilitators are involved, they too may fill this role. In some cases (while not ideal), the ASAP manager is also the aviation organization's management representative to the ERC and may perform both functions. The ASAP manager is responsible for the following:

1. Receiving, recording, tracking, analyzing, and responding to ASAP reports.
2. For aviation organizations with an SMS under 14 CFR part 5, being involved in the integration of ASAP data into the aviation organization's SMS. This includes communicating appropriate de-identified data and trend information within the aviation organization's SMS processes.
3. Maintaining the electronic ASAP database and facilitating ERC member access, as needed.
4. Preparing the ERC meeting agenda.
5. Distributing complete (with an option for name-redacted-only) reports to ERC members for review prior to meeting.
6. Coordinating and tracking ERC recommendations.
7. Tracking accomplishment of corrective action(s).
8. Annotating when reports are closed without an FAA ERC member in attendance.
9. Recording repeated instances of noncompliance with 14 CFR and informing ERC members if the same individual is involved in multiple violations.
10. Providing employee feedback. Any employee who submitted a report may contact the ASAP manager to inquire about the status of his or her report.
11. Keeping all documents and records regarding this program (see paragraph 22) and making them available to the parties to the MOU at their request.
12. Keeping aviation organization company leadership informed regarding program results.
13. As a recommended best practice, coordinating with the ERC to develop a manual of processes and procedures for reviewing and analyzing reports. The ASAP manager and the ERC develop such a manual at their discretion.
14. In coordination with the ERC, publishing pertinent event recaps, data, and trend information derived from filed and processed reports, and ASAP analyses in accordance with the aviation organization's defined procedures.

14.4 Report De-Identification. An ASAP provides for the confidentiality of reporter identity outside of the ERC, but not reporter anonymity within the ERC itself. The ASAP manager may elect to remove the employee's name (but should not remove any other information, such as date of the event, tail number, etc.) for initial ERC report review. The purpose of removing the reporter's name is simply to reduce the likelihood that personal knowledge of the individual may bias the initial evaluation of the event. FAA ERC members need the specifics (other than employee identity) concerning the event (e.g., date, flight number, location, etc.) in order to efficiently accomplish their responsibility to determine whether the FAA has received independent information concerning the event (e.g., information such as a preliminary pilot deviation (PD) report, outside of the ASAP).

15 PROCESSING REPORTS.

15.1 Consensus of the ERC. The success of an 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 voting representatives on the ERC.

15.1.1 Reaching a Consensus. The ERC reaches a consensus when deciding whether to accept a report into the program and when deciding on corrective action recommendations arising from the event. 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 is empowered to make decisions within the context of the ERC discussions on a given report. Management for the parties to an ASAP MOU should not preempt their respective ERC representative's decision-making discretion for an event reported under the 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.

15.1.2 Consensus Cannot Be Achieved. The FAA retains all its legal authority and responsibilities contained in Title 49 of the United States Code (49 U.S.C.) and referenced in FAA Order 2150.3, FAA Compliance and Enforcement Program. In the event there is not a consensus of the ERC on decisions concerning a report involving an apparent violation(s), or a medical certification or qualification issue(s), the FAA ERC representative decides whether to accept or reject the report.

Note: This authority applies to the Big Five and non-Big Five submitted reports when consensus cannot be achieved.

15.2 Reports Involving High-Profile Events. ERC members should communicate in a timely manner with management for the parties to an ASAP MOU (i.e., FAA, aviation organization, and labor group, if applicable) when an ASAP report involves potentially controversial issues and high-profile safety-related events. The ERC should brief management on the nature of such issues and events, the associated results of the ERC investigation, and the disposition of the report. The ERC and management protect confidential details of the report during such communications. Management of an aviation organization with an SMS should ensure this data interfaces with the SMS by established processes.

15.3 Use of Obtained Information. Information obtained from the ASAP permits participants to identify actual or potential risks throughout their operations. Once identified, the parties to an ASAP can implement corrective actions in order to reduce the potential for accidents, incidents, and other safety-related events. The parties should use de-identified ASAP information for mission-pertinent purposes including SMS, such as developing internal evaluation strategies, risk mitigation plans, and policy development. In order to gain the greatest possible benefit from the ASAP, it may be necessary for aviation organizations to develop programs with compatible data collection, analysis, storage, and

retrieval systems. ASAP participants can use the information and data that has been collected and analyzed as a measure of an effective safety culture.

15.4 Use of ASAP Reports. No portion of the written ASAP report, including an ERC investigation or interview(s) concerning a reported event, is used to initiate or support company discipline or FAA enforcement action. This policy applies regardless of whether the ERC accepts or rejects the report. The company retains its authority to take disciplinary action based on information of an event independently obtained by the company (i.e., information not based or otherwise predicated upon the content of an employee's ASAP report).

Note: The FAA may use knowledge of an event, independent of an ASAP report, to conduct an investigation of an apparent violation(s) as the FAA deems appropriate (refer to Order 8900.1, Volume 14, Chapter 3, Section 12, Events Excluded from an Aviation Safety Action Program). However, for an accepted ASAP report, no FAA action will be taken against the employee.

15.4.1 Reports Involving Medical Certification and Qualification Issues. If the ERC becomes aware of an issue involving the medical qualification or medical certification of an airman, the ERC immediately advises the appropriate FAA Regional Flight Surgeon (RFS) about the issue. The ERC works with the RFS and the aviation organization's medical department or medical consultants to resolve any issues or concerns revealed in an ASAP report or through the processing of that report. The FAA ERC member follows the direction(s) of the RFS with respect to any medical certification or qualification issue(s) revealed in an ASAP report.

15.4.2 Violations by Aviation Organizations. If appropriate, the FAA may handle apparent violations by aviation organizations disclosed through a safety-related ASAP report under the VDRP. Refer to AC 00-58, Voluntary Disclosure Reporting Program, Order 2150.3, and Order 8900.1. A voluntary disclosure can still be accepted by the FAA, even though the FAA has already learned of the violation from the ASAP.

15.4.3 Corrective Actions Utilized Within the VDRP. The FAA may, at its sole discretion, accept the corrective action recommended by an ASAP ERC for an accepted ASAP report (even when an apparent employee qualification or competency issue is involved) as all or part of the comprehensive fix for the voluntary disclosure under the following conditions:

1. The FAA determines that the violation is due entirely to the actions of the employee(s) and not to a systemic or procedural deficiency of the aviation organization, and
2. Employees involved in events covered under ASAP complete the corrective action in a manner satisfactory to all members of the ERC.

15.4.4 ASAP Reports That Identify Another Employee in a Possible Violation. If an ASAP report identifies another employee of the aviation organization as involved in a possible violation, and that employee has neither signed that report nor submitted a separate

report, the ERC determines on a case-by-case basis whether to invite the nonreporting employee to submit an ASAP report. If the nonreporting employee submits a report within the acceptable timeframe established by the ERC, that report is afforded the same consideration under the ASAP as that accorded the report from the original reporting employee, provided the report meets all other ASAP acceptance criteria. However, if the nonreporting employee fails to submit a report within the timeframe allotted after notification, the possible violation by that employee is referred to the appropriate office within the FAA for additional investigation and action (as appropriate) and for referral to law enforcement authorities, if warranted.

16 CORRECTIVE ACTION. Corrective actions are developed by the ERC in order to address deficiencies discovered during an ERC investigation. They may consist of training, mentoring, counseling, or other options that the ERC may determine are the best course of action to undertake to resolve the issue. The ERC develops corrective actions and works with the aviation organization to implement those corrective actions in order to counter adverse risks and trends. The ERC rejects ASAP reports if the employee fails to complete corrective action for an apparent violation, or a medical certification or qualification issue, in a manner acceptable to the ERC. The FAA ERC member then refers the event to an FAA office (in accordance with paragraph 18.5) for additional investigation and/or FAA action. The ERC may recommend corrective action for any safety issue identified within an accepted report. Official training records and personnel files should not reflect corrective actions associated with the ASAP (refer to the Pilot Records Improvement Act of 1996 (PRIA) and AC 120-68, Pilot Records Database and Pilot Records Improvement Act). All corrective actions should be documented and retained in the ASAP database.

16.1 Corrective Action for Qualification Issues. The ERC addresses accepted reports involving competence or qualification of certificate, license, or permit holders with appropriate corrective action, which may include retraining or reexamination. Reluctance or failure to adopt methods to remediate noncompliance or instances of repeated noncompliance are handled by the FAA in accordance with Order 2150.3.

16.2 Corrective Action for Systemic Issues. For corrective action regarding systemic issues by an aviation organization:

1. The ASAP manager provides such ERC recommendations to the appropriate aviation organization department head for consideration and input into their SMS if applicable.
2. The aviation organization may implement, modify, or decline to implement the ERC's recommendations.
3. The ASAP manager records, tracks, and follows up on the aviation organization's response and action.
4. The ASAP manager records all recommended actions in the ASAP database.

Note: Any recommended corrective action that is not implemented is recorded in the ASAP database along with the reason why it was not implemented.

5. The company ASAP manager will bring systemic issues to the attention of the aviation organization management, and the FAA ERC member will bring systemic issues to the attention of management of the responsible Flight Standards office that oversees the aviation organization.

16.3 Reports That are Non-Sole-Source. The FAA considers an ASAP report to be non-sole-source when the FAA has evidence that an apparent violation that is not discovered pursuant to, or otherwise predicated on, an ASAP report (e.g., whistleblower/hotline complaints, reports from air traffic control (ATC) involving airspace deviations, incident reports, and accident reports). The FAA investigates apparent violation(s) based on evidence independent of an ASAP report, regardless of whether the associated non-sole-source report was accepted or rejected (see paragraph 17.1). The FAA may use the reports as specified in paragraph 18.4 and knowledge of the event as specified in paragraph 18.5 to conduct the investigation. Any action the FAA takes is in accordance with paragraph 18.

Note: Except as otherwise provided in paragraph 18, no portion of the written ASAP report, including an ERC investigation or interview(s) concerning a reported event, is used to initiate or support aviation organization discipline or FAA enforcement action. This policy applies regardless of whether the ERC accepts or rejects the report. The aviation organization retains its authority to take disciplinary action based on information of an event independently obtained by the aviation organization (i.e., information not based or otherwise predicated upon the content of an employee's ASAP report).

17 FS OFFICE ERC REPRESENTATIVE. The FS office ERC representative is empowered to complete ASAP investigations and is responsible for coordinating all corrective actions in accordance with the following FAA orders effective at the time of the event, as applicable:

- FAA Order 8020.11, Aircraft Accident and Incident Notification, Investigation, and Reporting.
- FAA Order 8900.1.

17.1 Acceptance Criteria. The ERC determines whether a reported event meets the criteria for acceptance into an ASAP in accordance with the applicable orders and through the ERC process. If an event meets the criteria and is accepted into the ASAP by the ERC, and if the submitter is the subject of a parallel investigation, the FAA transfers all jurisdiction and responsibility for the completion of compliance and enforcement investigations related to the event to the appropriate FS ERC representative (even if an enforcement investigation has been previously opened outside of the ASAP). The appropriate FS office completes preliminary incident or PD reports in accordance with current FAA guidance materials regarding such reports, regardless of whether the employee submitted an ASAP report that reported the event. The FAA office having jurisdiction over the aviation organization completes preliminary incident or PD reports involving the aviation organization's employees/designated individuals.

18 GUIDELINES FOR REJECTION OF REPORTS UNDER THE ASAP.

18.1 Timeliness. Past iterations of ASAP policy emphasized strict time period requirements as a condition for acceptance of reports. While timeliness considerations are generally still a relevant factor in whether the ERC accepts a report, the responsibility of the ERC is now to review all information available and determine whether acceptance of the report is in the best interest of safety. Timeliness considerations do not apply to sole-source reports.

18.2 Reckless Conduct. Reports of an apparent violation involving reckless conduct are rejected. Reckless conduct is an act (or failure to act) demonstrating a gross disregard for, or deliberate indifference to, safety or a safety standard.

18.3 Intentional Conduct. Reports involving intentional conduct are rejected. Intentional conduct is an act (or failure to act) while knowing that such conduct is contrary to a regulation or statute, or is otherwise prohibited.

Note: There is a narrow circumstance under which the ERC considers acceptance of a report despite the intentionality of a violation. Under 14 CFR § 91.3(b), in an in-flight emergency requiring immediate action, the pilot in command (PIC) may deviate from any rule in 14 CFR part 91 to the extent required to meet that emergency. In considering accepting the report, the ERC should evaluate whether such action may have been the safest course given the circumstances at the time of the incident. If the deviation was the result of an event outside of the control of the pilot or not otherwise evidencing a lack of due diligence (e.g., to address a flight-threatening mechanical malfunction), the ERC may determine that acceptance of the report is appropriate.

18.4 Events Occurring Outside the Scope of Employment. Reports of events that directly involve an employee but that occurred while he or she was acting outside the scope of his or her employment for the aviation organization are rejected.

18.5 The Big Five. ERCs will consider the role of the submitter in making acceptance and rejection decisions to preserve the integrity and value of the ASAP and the contribution it makes to aviation safety data and awareness at organizational and national levels. When evaluating whether a report meets the criteria for ASAP rejection, it is the responsibility of the ERC to carefully assess the submitter's role, action, intent, and involvement in any potentially rejected conduct. The ERC's assessment includes whether the submitter engaged in the conduct that would meet the criteria for rejection. If a report describes conduct that may fall under rejection criteria, but the submitter was not involved in that conduct, the report should be accepted. Reports that appear to involve possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification are rejected. Upon completion of a subsequent investigation, if the FAA determined that the event did not involve the Big Five, or that the submitter was not involved in any of the aforementioned activities, then the FAA office refers the report back to the ERC for a determination of acceptability under the ASAP. Such reports are accepted under the ASAP, provided they otherwise meet the acceptance criteria.

Note: If it is determined that the rejection criteria are not a contributing factor to the safety event or did not involve the submitter, the ASAP report would remain with the ERC for disposition to address any safety issues. If the rejection criteria are determined to be a contributing factor or involved the submitter, the associated reports would be referred to the appropriate FAA office for investigation.

18.6 Reports Rejected for Reasons Other Than the Big Five. If the ERC rejects a report for reasons other than those related to the Big Five (e.g., reckless or intentional violation conduct not involving the Big Five, violations outside the scope of employment, repeated noncompliance), the FAA ERC representative communicates his or her knowledge of the event to the appropriate FAA office for possible investigation. The FAA may use its knowledge of the event referred by the FAA ERC member to prompt an independent investigation of the apparent violation(s) and to initiate an FAA action against the employee. The "knowledge of the event" under this paragraph includes the date, time, location, flight number, aircraft tail number, and related information, as well as the apparent noncompliance disclosed in the ASAP report. (Refer to Order 8900.1, Volume 14, Chapter 3, Section 12.) An "independent investigation" as referenced in this paragraph is one in which the FAA uses the knowledge of the event to conduct the investigation, but does not obtain other information concerning the apparent violation(s) from the ERC or from the ASAP report (except that the FAA may obtain information regarding corrective action on a non-sole-source report). The FAA determines the appropriate action by following the Compliance Action Decision Process (CADP). (Refer to Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure.)

19 REOPENING REPORTS BASED ON NEW EVIDENCE. The ERC may reopen a closed ASAP report and take appropriate action if the ERC (or the FAA) later discovers evidence that establishes that the violation should have been rejected from the program. A closed ASAP report may be reopened if new evidence requires the ERC to reconsider its acceptance or rejection decision in the case.

19.1 Closing a Report. The ERC should not close a report until all member investigations concerning the event are completed.

19.2 Best Practices. The ERC may make additional safety recommendations based on the new information, if appropriate. For more information, refer to "Best Practices for Event Review Committees" at https://www.faa.gov/about/initiatives/asap.

20 PROTECTION OF VOLUNTARILY SUBMITTED ASAP INFORMATION. Under 49 U.S.C. § 40123, Protection of Voluntarily Submitted Information, and as implemented by 14 CFR part 193 and FAA Order 8000.82, Amended Designation of Aviation Safety Action Program (ASAP) Information as Protected from Public Disclosure Under 14 CFR Part 193, certain voluntarily provided safety and security information may be protected from disclosure in order to encourage persons to provide the information to the FAA.

21 EMPLOYEE FEEDBACK. The full value of an ASAP can only be known and understood if management for the parties to an ASAP MOU provides open and meaningful feedback to employees regarding the operation and results of the program, including corrective action taken in response to a report. Such feedback should be shared openly and honestly with all stakeholders (e.g., the submitter, other safety-sensitive employees), while maintaining the protection of confidentiality. Making the impact of the ASAP on safety visible and sustaining this visibility over time is important for building and maintaining trust in and buy-in to the program.

22 RECORDKEEPING. The parties should maintain those records necessary for an ASAP's administration and evaluation and as required by law pertaining to 14 CFR part 5 for SMS record retention compliance. Records submitted to the FAA for review relating to an ASAP are protected from disclosure to the extent allowed by law.

22.1 Database. Upon initiation of an ASAP, eligible entities should implement a comprehensive electronic database system for report submission, data acquisition, comprehensive event categorization, risk analysis, and data trend analysis. The aviation organization is free to develop or acquire whichever system best meets its needs for program management.

22.2 Safety Data Collection, Analysis, and Retention Processes. Through the use of de-identified information from that database, the parties to the MOU review data, identify and analyze trends, and target resources in an effort to mitigate risks. The aviation organization should retain safety-related information for a sufficient period of time for the ERC to determine whether its recommended corrective actions have been effective, but not less than 2 years. However, aviation organizations with an SMS under 14 CFR part 5 shall retain records in accordance with SMS documentation and recordkeeping under 14 CFR § 5.97.

22.3 Quarterly Reports on Safety Enhancements. The fundamental purpose of an ASAP is to enhance safety. The FAA maintains an audit trail of the extent to which the program is achieving that objective. The manager of the FAA office having oversight responsibilities for the aviation organization prepares a summary report of safety enhancements achieved each quarter by each aviation organization's ASAP(s). The office manager sends quarterly reports by email to the appropriate FS office using the report format provided. (Refer to Order 8900.1, Volume 11, Chapter 2, Section 1.) The FS Safety Management Branch receives quarterly reports electronically. Aggregate information is available on an FAA internal site, access to which is available to any FS inspector upon request to the Safety Management Branch. The information is protected from release under Order 8000.82 and 14 CFR part 193.

22.4 Annual Review. The ERC conducts an annual 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.

23 MOU ACCEPTANCE.

23.1 Review. The aviation organization should initially develop and present the program to the responsible Flight Standards office for review. On a case-by-case basis, the FAA may accept MOUs that deviate from the provisions in this AC (see the MOU template in Appendix C, FAA ASAP Memorandum of Understanding Template), when approved by the office manager.

23.2 Procedures. All ASAPs, whether new or previously established, will enter as continuing programs. Each aviation organization should access the website (https://www.faa.gov/about/initiatives/asap) and complete the MOU template, then download a copy for signature. A copy of the signed MOU is retained by the responsible Flight Standards office. The office manager notifies the FS Safety Management Branch through email once the MOU is signed by all parties. The responsible FAA FS office will review the continuing program every 2 years to ensure its objectives are met. The review is accomplished by all signatories.

23.3 Withdrawal. Regardless of the duration of an ASAP, any party to an MOU may withdraw at any time and for any reason.

24 PROGRAMS REPRESENTED BY A THIRD-PARTY FACILITATOR.

24.1 Initiating the Application Process. The aviation organization should initiate the application process by contacting the responsible Flight Standards office and submitting a request to start an ASAP. All parties, including the FAA, aviation organization, employee labor group, and third-party facilitator, work together to develop processes and procedures to implement the program.

24.2 Briefings. The third-party facilitator provides a briefing to the FAA office, aviation organization's management, and ERC representatives on program requirements. An ASAP should not be initiated until all parties commit to the provisions of the program. The FAA determines whether a program is accepted.

24.3 Signing the MOU. All parties, including the FAA, aviation organization, employee labor group (if applicable), and third-party facilitator, sign the MOU and coordinates through the responsible Flight Standards office for administrative purposes. Third-party facilitators include a cover sheet to distinguish the parameters for their respective programs.

24.4 ASAP Reviews. New ASAPs initiated under the purview of a third-party facilitator enter as continuing programs. The parties to the MOU review the ASAP every 2 years to ensure that it continues to meet its objectives.

24.5 Oversight of ASAPs. The FS Safety Management Branch provides oversight of ASAPs administered under the purview of third-party facilitators, to include periodic audits to ensure quality and consistency of training as well as effective and timely implementation of ongoing programs.

24.6 Annual Reports. All third-party facilitators should provide an annual report to the FS Safety Management Branch describing the overall safety climate for programs covered by their aviation organization. The third-party facilitator conducts an annual 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. This review includes recommendations for corrective action for recurring events indicative of adverse safety trends, the most reported event categories, risk analysis, event categorization, the number of reports submitted by an operator and employee group, and recommended program improvements.

25 POLICY AND PROCEDURES MANUAL. The ERC is encouraged to develop and maintain a manual of policies and procedures that best represents their operational environment. This manual can be used as a resource for current and future ASAP managers, ERC members, and stakeholders by providing important ASAP information such as ERC processes. Listed below are a few suggested processes to incorporate:

25.1 Tools to Facilitate Review Processes. ASAP-specific documents and/or resources to facilitate the ERC's review process across meetings. These may include AC 120-66, Order 8900.1, Order 2150.3, the aviation organization's MOU, an ASAP Decision Flow Chart, event and causal contributor taxonomies, a risk matrix, best practices, and lists of potential corrective actions and/or recommendations.

25.2 ERC Rules. ERC rules, such as how to handle difficult decisions, when to use certain corrective actions, and how to participate in meetings (i.e., rules of conduct). These may be formal rules that are established at the program's initiation or rules developed over time.

25.3 Processing Reports. Aviation organizations utilizing a Corporate ASAP (C-ASAP) program should include procedures for processing reports received. For example, forwarding the ASAP report to an established ERC or establishing another specific ERC to process Corporate ASAP reports.

26 INFORMATION AND TRAINING. The aviation organization provides each participating employee and manager with written guidance outlining the details of the program at least 2 weeks before the program begins. Each participating employee group also receives additional instruction concerning the program during the next regularly scheduled recurrent training session and on a continuing basis in recurrent training thereafter. All new-hire employees receive training on the program during initial training.

27 INFORMATION UPDATE/LESSONS LEARNED. As the FAA and industry gain experience with ASAPs, FAA ASAP policy will continue to evolve to reflect lessons learned. FS established the FAA ASAP website at https://www.faa.gov/about/initiatives/asap to serve as a reference source for the ERCs to develop their program operating procedures and provide the current information on FAA ASAP policy updates.

28 AC FEEDBACK FORM. For your convenience, the AC Feedback Form is the last page of this AC. Note any deficiencies found, clarifications needed, or suggested improvements regarding the contents of this AC on the Feedback Form.

Hugh J. Thomas
Executive Director, Flight Standards Service

APPENDIX A. KEY TERMS

A.1 Acceptance. The terms "accept(s)," "accepted," and "acceptance," and references to Aviation Safety Action Program (ASAP) reports that meet "acceptance criteria," refer to such reports that are accepted as valid reports under the presumption in the FAA Reauthorization Act of 2018 (see Appendix B) and that the event review committee (ERC), after review, determined should not be rejected under paragraph 18 of this advisory circular (AC).

A.2 ASAP Facilitator. A third party who provides personnel, expertise, and/or time in order to design, implement, manage, or maintain an aviation organization's ASAP.

A.3 ASAP Manager. The person serving as the focal point for program administration, including, but not limited to, recording and acknowledging receipt of reports; maintaining the ASAP database; providing information about, and responding to, inquiries concerning the status of ASAP reports; and coordinating and tracking ERC corrective action recommendations. The ASAP manager may or may not be the voting representative from aviation organization's management on the ERC. The aviation organization representative or ASAP facilitator serves as the focal point for program administration. For aviation organizations with a Safety Management System (SMS) under 14 CFR part 5, the ASAP manager ensures that the ASAP data is incorporated into the SMS processes and communicating appropriate de-identified data and trend information into the aviation organization's SMS.

A.4 Aviation Organization. An organization comprised of persons and equipment that safely engages in the activity of operating FAA-approved aircraft by FAA-certified airmen in the National Airspace System (NAS) for both commercial and non-commercial purposes. An aviation organization does not require an FAA-issued operating certificate, such as in the case of a 14 CFR part 91 flight department, to participate in an ASAP.

A.5 Big Five. Criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. An ASAP report that appears to involve one or more of these items will be rejected (see paragraph 18.5)

A.6 Consensus of the Event Review Committee (ERC). The voluntary agreement of all voting representatives of the ERC to each decision outlined by the Memorandum of Understanding (MOU).

A.7 Corporate ASAP (C-ASAP from the MOU Generator). A form of ASAP that allows for an aviation organization to operate under a single MOU regardless of its size, scope, and complexity. This can include multiple aviation organizations owned by the same parent company/organization and overseen by a single responsible Flight Standards office. It covers all defined employee groups as they perform duties within the scope of their employment, thereby allowing them to submit ASAP reports to their ERC.

A.8 Corrective Action. Any safety-related action determined necessary by the ERC based upon a review, investigation, and analysis of the reports submitted under an ASAP. Corrective action can be recommended by the ERC for any safety issue identified in an

accepted ASAP report, regardless of whether it involves an individual's qualification. Corrective action may involve joint or individual action by the parties to the MOU.

A.9 Event Review Committee (ERC). A group comprised of a representative from each party to an 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 usually comprised of a management representative from the aviation organization, a representative from the employee labor group or association (if applicable), and a qualified FAA inspector from the responsible Flight Standards office (refer to FAA Order 8900.1, Volume 11, Chapter 2, Section 1, Aviation Safety Action Program).

A.10 Intentional Conduct. An act (or failure to act) while knowing that such conduct is contrary to a statutory or regulatory requirement.

A.11 Intentional Falsification. A false statement in reference to a material fact made with knowledge of the falsity. It does not include mistakes, inadvertent omissions, or errors.

A.12 Memorandum of Understanding (MOU). This refers to the written agreement between two or more parties setting forth the purposes for, and terms of, an ASAP. Employee groups represented by an MOU can include Pilot, Maintenance, Flight Attendants, Dispatch, Ground, and Other (as defined by the organization).

A.13 Non-Sole-Source Report. A report where evidence of the event is not discovered by, or otherwise predicated upon, the ASAP report.

A.14 Party/Parties. Any person or entity (e.g., FAA, aviation organization, labor union or other industry or government entity) that is a signatory to the MOU.

A.15 Person. "[A]n individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them." (Refer to 14 CFR § 1.1.)

A.16 Policy and Procedures Manual. A manual that outlines the operating procedures of the ERC as well as its duties and responsibilities.

A.17 Reckless Conduct. An act (or failure to act) demonstrating a gross disregard for, or deliberate indifference to, safety or a safety standard.

A.18 Repair Station. A 14 CFR part 145 certificated repair station (CRS) that is certificated to perform airframe and/or engine maintenance for certificate holders (CH).

A.19 Responsible Flight Standards Office. The Flight Standards District Office (FSDO) or certificate management office (CMO) having overall responsibility for all FAA reporting requirements, technical administration requirements, and regulatory oversight of an aviation organization.

A.20 Risk Controls. Steps taken to eliminate hazards or to mitigate their effects by reducing the severity and/or likelihood of risk associated with those hazards (e.g., regulations, standards, and policies).

A.21 Safety Management System (SMS). The formal, top-down business approach to managing safety risk, which includes a systemic approach to managing safety, including the necessary organizational structures, accountabilities, policies, and procedures. (Refer to the FAA SMS web page at https://www.faa.gov/about/initiatives/sms.)

A.22 Safety-Related Report. A written account of an event that involves an operational or maintenance issue related to aviation safety reported through an ASAP. The reporting venue is specified in the ASAP MOU.

A.23 Sole-Source Report. A report where all evidence of the event available to the FAA outside of an ASAP is discovered by, or otherwise predicated upon, the ASAP report. It is possible to have more than one sole-source report for the same event.

A.24 Voluntary Disclosure Reporting Program (VDRP). A policy-based program under which regulated entities may voluntarily report apparent violations of the regulations and develop corrective action satisfactory to the FAA to preclude their recurrence. Voluntary disclosure reporting procedures are outlined in AC 00-58, Voluntary Disclosure Reporting Program, as well as Order 8900.1, Volume 11, Chapter 1, Section 1, Voluntary Disclosure Reporting Program for Air Carriers, Repair Stations, and Other Regulated Entities.

APPENDIX B. ACCEPTANCE OF VOLUNTARILY PROVIDED SAFETY INFORMATION—FAA REAUTHORIZATION ACT OF 2018, SECTION 320

"(a) IN GENERAL.—There shall be a presumption that an individual's voluntary report of an operational or maintenance issue related to aviation safety under an aviation safety action program meets the criteria for acceptance as a valid report under such program.

(b) DISCLAIMER REQUIRED.—Any dissemination, within the participating organization, of a report that was submitted and accepted under an aviation safety action program pursuant to the presumption under subsection (a), but that has not undergone review by an event review committee, shall be accompanied by a disclaimer stating that the report—

(1) has not been reviewed by an event review committee tasked with reviewing such reports; and

(2) may subsequently be determined to be ineligible for inclusion in the aviation safety action program.

(c) REJECTION OF REPORT.—

(1) IN GENERAL.—A report described under subsection (a) shall be rejected from an aviation safety action program if, after a review of the report, an event review committee tasked with reviewing such report, or the Federal Aviation Administration member of the event review committee in the case that the review committee does not reach consensus, determines that the report fails to meet the criteria for acceptance under such program.

(2) PROTECTIONS.—In any case in which a report of an individual described under subsection (a) is rejected under paragraph (1)—

(A) the enforcement-related incentive offered to the individual for making such a report shall not apply; and

(B) the protection from disclosure of the report itself under section 40123 of title 49, United States Code, shall not apply.

(3) AVIATION SAFETY ACTION PROGRAM DEFINED.—In this section, the term "aviation safety action program" means a program established in accordance with Federal Aviation Administration Advisory Circular 120-66B, issued November 15, 2002 (including any similar successor advisory circular), to allow an individual to voluntarily disclose operational or maintenance issues related to aviation safety."

* * *

Note: If the event review committee (ERC) subsequently determines that a disclosure meets rejection criteria, the provisions and protections of FAA Order 8000.82, Amended Designation of Aviation Safety Action Program (ASAP) Information as Protected from Public Disclosure Under 14 CFR Part 193, do not apply.

APPENDIX C. FAA ASAP MEMORANDUM OF UNDERSTANDING TEMPLATE

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MEMORANDUM OF UNDERSTANDING (MOU)

We the parties of this MOU agree to work together to review, analyze, and resolve safety events submitted to the Aviation Safety Action Program (ASAP).

This MOU is between the Federal Aviation Administration (FAA), ABC Airlines, and participating labor groups for employees if they wish to participate.

1. **OPERATOR INFORMATION.** ABC Airlines (ABCA) holds an air carrier operating certificate issued under Title 14 of the Code of Federal Regulations (14 CFR) part 119 and conducts its operations as authorized in ABCA's operations specifications (OpSpecs) issued pursuant to 14 CFR part 121. ABCA operates approximately [XXX] aircraft, and employs approximately [XXX] employees related to this MOU.

2. **PURPOSE OF THIS MOU.** The FAA, ABCA, and any participating labor groups are committed to improving flight safety. Each party has determined that safety is enhanced if there is a systematic approach for employee groups to promptly identify and correct potential safety hazards. The primary purpose of the ABCA ASAP is to identify safety events and to implement corrective measures that reduce the opportunity for safety to be compromised. In order to facilitate flight safety analysis and corrective action, the FAA, ABCA, and the participating employee labor groups agree to implement this ASAP voluntarily. This ASAP is intended to improve aviation organizational safety through self-reporting, cooperative followup, and appropriate corrective action. This ASAP is based on a safety partnership that includes the FAA and the aviation organization, and may include a third party, such as the employee's labor group or safety organization serving as an ASAP facilitator. To encourage an employee to voluntarily report safety issues, enforcement-related incentives have been designed into the program.

3. **BENEFITS.** The program will foster a voluntary, cooperative, nonpunitive environment for the open reporting of 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 mitigation strategies and employee corrective actions if necessary to help solve safety issues and possibly eliminate deviations from 14 CFR. For a report accepted under this ASAP MOU, the FAA will not use any enforcement action to address certain apparent violations of the regulations. This policy is referred to in this MOU as an "enforcement-related incentive."

4. **APPLICABILITY.** The ABCA ASAP applies to all participating ASAP employees of ABCA and only to events that occur while acting within the scope of their employment with ABCA. Reports of events involving apparent noncompliance with 14 CFR that appear to involve intentional or reckless conduct, criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification are rejected from the program. Reports of events that directly involve an employee, but that occurred while he or she was acting outside the scope of his or her employment for the aviation organization, are also rejected.

5. **DECISION MAKING.** The success of an ASAP is built on the ability of the event review committee (ERC) to achieve consensus on the acceptance or rejection of each event that is reported. Consensus of the ERC means the voluntary agreement of all representatives of the ERC. The ERC reaches a consensus when deciding whether to accept a report into the program and when deciding on corrective action recommendations related to the reporter, arising from the event (except as provided in paragraph 6 below).

6. **AUTHORITY.** This agreement is entered into under the authority of Title 49 of the United States Code (49 U.S.C.) § 106(l) and (m). The FAA retains all of its legal authority and responsibilities contained in 49 U.S.C., as referenced in FAA Order 2150.3, FAA Compliance and Enforcement Program, and in the FAA compliance and enforcement program. In the event there is not a consensus of the ERC on decisions concerning a report involving an apparent violation(s), reckless or intentional conduct, or a qualification or medical certification issue, the FAA ERC representative decides whether to accept or reject the report.

7. **TERMS OF THIS AGREEMENT.** All ASAPs, whether new or previously established, enter as continuing programs. A review of a continuing program is required every 2 years to ensure its objectives are met. The review is accomplished by all signatories of the MOU.

8. **VOLUNTARY WITHDRAWAL.** Any signatory party to the MOU may withdraw from the MOU at any time and for any reason. The withdrawal of a party, or 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 are to be handled under the provisions of the program until they are completed).

9. **POINTS OF CONTACT.** The ERC is comprised of a management representative from the aviation organization, a representative from the employee labor group (if applicable), and a specifically qualified FAA inspector from the appropriate Flight Standards office for ABCA, or his or her designated alternates as appropriate. In addition, ABCA will designate one person who will serve as the ASAP manager. The ASAP manager will be responsible for program administration, including the development and regular maintenance/updating of an ASAP manual or other process document that defines the nature, policy, and procedures of the ASAP and its participants. In some cases (while not ideal), the ASAP manager is also the aviation organization management representative to the ERC and may perform both functions. Management officials (other than the airline representative) of any party to this MOU should not be voting members of the ERC and should refrain from influencing any ERC decisions.

10. **ACCEPTANCE POLICY.** The following criteria are met in order for a report to be accepted under the ASAP:

    (1) ASAP reports are accepted unless rejected under one of the criteria listed below:

        (a) Any possible noncompliance with 14 CFR disclosed in the report that involves reckless conduct or intentional conduct.

Note: There is a narrow circumstance under which the ERC considers acceptance of a report despite the intentionality of a violation. Under 14 CFR § 91.3(b), in an in-flight emergency requiring immediate action, the pilot in command (PIC) may deviate from any rule in 14 CFR part 91 to the extent required to meet that emergency. In considering accepting the report, the ERC should evaluate whether such action may have been the safest course given the circumstances at the time of the incident. If the deviation was the result of an event outside the control of the pilot or not otherwise evidencing a lack of diligence (e.g., to address a flight-threatening mechanical malfunction), the ERC may determine that acceptance of the report is appropriate.

(b) The reported event involves criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. Reports involving those events will be referred to the appropriate FAA office for further handling. The FAA may use the content of such reports for any FAA action and will refer such reports to law enforcement agencies, if appropriate.

(c) The report discloses an event that involves an employee acting outside the scope of his or her employment for the aviation organization.

Note: The ERC may reject a report that reflects an instance of a repeated act of the same or similar noncompliance by the same individual due to a common root cause that was previously accepted and addressed with corrective action under the ASAP.

(2) Timeliness. In past iterations of ASAP policy, emphasis was placed on meeting strict time period requirements as a condition for acceptance of reports. While timeliness considerations are generally still a relevant factor in determining whether to accept a report, the responsibility of the ERC is now to review all information available and determine whether acceptance of the report is in the best interest of safety. Timeliness considerations do not apply to sole-source reports.

11. EMPLOYEE FEEDBACK. The ASAP manager, in coordination with the ERC, publishes pertinent event recaps, data, and trend information derived from filed and processed reports, and ASAP analysis in accordance with ABCA's defined procedures. Any employee who submitted a report may also contact the ASAP manager to inquire about the status of his or her report. In addition, each employee who submits a report accepted under the ASAP receives individual feedback on the final disposition of the report.

12. INFORMATION AND TRAINING. Each ABCA participating employee and manager receives written guidance outlining the details of the program at least 2 weeks before the program begins. Each participating employee group also receives additional instruction concerning the program during the next regularly scheduled recurrent training session, and on a continuing basis in recurrent training thereafter. All new-hire employees receive training on the program during initial training.

13. RECORDKEEPING. All documents and records regarding this program are kept by the ABCA ASAP manager and made available to the other parties to this agreement at their request. The parties should maintain those records necessary for a program's administration and evaluation and as required by law. Records submitted to the FAA for review relating to an ASAP are protected to the extent allowed by law.

14. DEVELOP A POLICY AND PROCEDURES MANUAL. The ERC is encouraged to develop and maintain a manual outlining ASAP processes and procedures for reviewing and analyzing reports. Information for developing this manual can be located on the FAA Flight Standards (FS) ASAP website at https://www.faa.gov/about/initiatives/asap under "Lessons Learned and Best Practices for ERC Members."

15. SIGNATORIES. All parties to this ASAP are entering into this agreement voluntarily. [The signatory lines are populated based on entries into the MOU generator.]