

# NOTICE

## U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.39

National Policy

Effective Date:  
5/1/2008

Cancellation Date:  
5/1/2009

**SUBJ:** Requiring Appropriate 14 CFR Part 119 Corporate Officer and FAA Office Manager Signatures for Voluntary Disclosure Reporting Program (VDRP)

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**1. Purpose of This Notice.** This notice updates current handbook guidance relating to the Voluntary Disclosure Reporting Program (VDRP).

**2. Audience.** The primary audience for this are regional division managers, office managers, and principal inspectors (PI) who have oversight responsibility for operators certificated under Title 14 Code of Federal Regulations (14 CFR) part 119 for operations under part 121 or part 135. The secondary audience includes Flight Standards branches and divisions in the regions and headquarters.

**3. Where You Can Find this Notice.** Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators and the public can find this notice at <http://fsims.faa.gov>.

#### **4. Background.**

**a.** In conjunction with recent high profile events involving air carrier voluntary disclosures, we have noted that senior airline executives may not always be fully aware of the details of such submissions and associated airline obligations. Similarly, FAA office managers may not always be fully informed as to voluntary disclosures which principal inspectors have determined as acceptable under the VDRP.

**b.** This notice changes VDRP policy and guidance provided in the following documents:

- Advisory Circular (AC) 00-58A, Voluntary Disclosure Reporting Program (to be revised), and
- FAA Order 8900.1, Flight Standards Information Management System, volume 11, chapter 1.

**c.** This notice adds a requirement for additional sign-offs:

(1) By an appropriate corporate official upon initial notification to the FAA of a voluntary disclosure, and

(2) By the responsible FAA office manager:

- Indicating the initial submission of voluntary disclosure does or does not meet FAA criteria for acceptance, and
- Upon completion of the implementation of the comprehensive fix, that the operator has satisfactorily accomplished the fix in accordance with the FAA's voluntary disclosure policy as specified in FAA guidance.

**5. Changes to Operator Actions.** Flight Standards will issue an Information for Operators (InFO) in parallel with this notice to facilitate communication of these new policies to affected operators. In order to better assure that corporate executives are fully aware of the content of their company's voluntary disclosures to the FAA, one of the management officials specified in 14 CFR §§ 119.65 or 119.69, as appropriate, must notify the FAA of an apparent violation, as described in the current issue of AC 00-58A. (For a part 121 operator these management officials include the director of safety, director of operations, chief pilot, director of maintenance, chief inspector, or alternative positions per § 119.65(b). For a part 135 operator these positions include the director of operations, chief pilot, and director of maintenance or alternative positions per § 119.69(b).) The management official uses one of the procedures specified below.

**a.** The management official specified 14 CFR § 119.65 or § 119.69 may notify the FAA by personally submitting it through the Web-based VDRP system as specified for Phase I (Notification to the FAA of an Apparent Violation) in AC 00-58, Appendix 1;

**Note:** In order for 14 CFR § 119.65 or § 119.69 management officials to directly accomplish the Phase I Initial FAA notification using the VDRP system, PIs must manually create a "new user" in the system for each such management official and provide read and edit system user rights. Identify each such management official by both name and official title. If not already accomplished, PIs must complete this action immediately upon receipt of this notice.

**b.** If an airline employee is authorized by the airline to accomplish initial notification through the Web-based VDRP system, a letter signed by one of the management officials specified in 14 CFR § 119.65 or § 119.69, as appropriate, must accompany the notification. The letter must stipulate that:

- (1) The corporate official is aware of the disclosure;
- (2) The company took immediate action to cease the violation; and,
- (3) The company will develop a proposed comprehensive fix for FAA consideration to prevent future reoccurrences of the violation.

**Note:** The operator should scan the letter as a pdf and upload it as part of the Phase I FAA notification process through the Web-based VDRP system. Companies that lack the capability to scan the letter for uploading must either fax or hand-deliver the signed letter to their certificate holding district office within the timeframe of their Phase I Notification to the FAA. The PI should scan and upload faxed or hand-delivered letters submitted to the FAA to the VDRP system as part of the FAA's action in Phase II (FAA Response to the Certificate Holder). We will include instructions regarding these

requirements, as well as information on any future modifications to the VDRP system, at <http://av-info.faa.gov/vdrp> when they become available.

c. Directors of operations or chief pilots will accomplish the actions in paragraph 5a or 5b involving operations self-disclosures. Directors of maintenance or chief inspectors will accomplish the actions in paragraph 5a or 5b involving maintenance self-disclosures. Directors of safety can accomplish these actions for either operations or maintenance in the absence of those appropriate management officials.

**6. Action—CHDO and Regional Division Managers.** As part of the FAA's action in Phase II of the VDRP process, FAA Response to the Certificate Holder (see FAA Order 8900.1, Volume 11, Chapter 1 for guidance on the VDRP process), both the PI handling the disclosure and the office manager must determine whether, based on the information available to the FAA at the time, the initial submission of the disclosure does or does not meet the criteria for acceptance under the FAA's voluntary disclosure policy. In addition, upon completion of the implementation of the comprehensive fix, both the PI and the office manager must determine in Phase VI of the VDRP process whether the airline has satisfactorily accomplished all elements of the comprehensive fix. The case remains subject to reopening in the event that the company does not complete the agreed-upon actions, outlined in the comprehensive fix, to the satisfaction of the FAA.

a. Pending completion of modifications that will enable office managers to directly accomplish these tasks using the Web-based VDRP system in Phase II and Phase VI of the VDRP process, the office manager shall:

(1) Prepare and sign a letter stipulating concurrence or nonconcurrence with the PI's determination concerning the acceptability of the disclosure upon its initial receipt by the FAA. The PI or office manager should scan and upload this letter as a Portable Document Format (pdf) document to the VDRP system as part of the VDRP Phase II process (FAA Response to the Certificate Holder); and

(2) At the time the office manager accomplishes the final sign-off function in Phase VI of the VDRP system, the PI or office manager uploads a scanned pdf copy of a letter signed by the office manager stipulating concurrence with satisfactory completion of the comprehensive fix to the VDRP system, together with the signed letter of correction.

**Note:** In order to enable office managers to upload these letters, PIs must manually create a "new user" in the system for that manager and provide the manager with read and edit system user rights. Identify each such FAA office manager by both name and official title, and, if not already accomplished, PIs must complete this action immediately upon receipt of this notice. We will announce implementation of a modification to the VDRP system that will enable office managers to accomplish their concurrence/nonconcurrence functions directly within the VDRP system at <http://av-info.faa.gov/vdrp> when it becomes available.

b. CHDO managers shall assure that air carriers under their jurisdiction certificated under part 119 for operations under part 121 or part 135 receive notification of the new policies specified in this notice. Direct them to the InFO issued in conjunction with this notice.

c. In addition to the above requirements, regional flight standards division managers must assure the conduct of regional division level reviews of the voluntary disclosures submitted through the VDRP system from air carriers under their jurisdiction. Accomplish these reviews on a quarterly basis in order to verify compliance with the voluntary disclosure policies specified in this notice and in Order 8900.1.

**7. Program Tracking Reporting Subsystems (PTRS) Input.** In order to verify notification of affected operators concerning the information in this notice, the inspector should enter the code VDRP in the National Use block of the PTRS Data Sheet (PTRS Tracking Form 8000-36). It is also important to complete the Designator Block with the appropriate designator code for the operator.

**8. Disposition.** We will incorporate this notice into FAA Order 8900.1. Direct any questions regarding this notice to Mr. Scott Crosier at 703-661-0278 or Dr. Thomas Longridge at 703-661-0275, Voluntary Safety Programs Branch, AFS-230.

ORIGINAL SIGNED BY

James J. Ballough  
Director, Flight Standards Service