

# NOTICE

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

N 8900.609

### National Policy

Effective Date:  
1/6/22

Cancellation Date:  
1/6/23

**SUBJ:** Email Beta Test on General Aviation Pilot Deviations by Foreign  
Airmen/Operators, Excluding Part 129 Air Carriers and Part 375 Operators

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**1. Purpose of This Notice.** This notice announces a revision to Federal Aviation Administration (FAA) Order 8900.1, Volume 7, Investigation; and Volume 12, International Aviation, for processing General Aviation (GA) pilot deviations (PD) by foreign airmen/operators (excluding Title 14 of the Code of Federal Regulations (14 CFR) part 129 air carriers and 14 CFR part 375 operators) who, when involved in the PD, were operating foreign-registered civil aircraft under 14 CFR part 91 and whose Civil Aviation Authority (CAA) is not a Portal for International Pilot Deviations (PIPD) participant. For the latest list of CAAs, refer to [https://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/afx/afs/afs050/afs052/](https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs050/afs052/). This change in guidance affects offices with responsibility for investigating part 91 PDs.

**2. Audience.** The primary audience for this notice is the Flight Standards (FS) Safety Assurance offices' aviation safety inspectors (ASI). The secondary audience includes the Safety Standards and Foundational Business offices and other applicable agency and department personnel.

**3. Where You Can Find This Notice.** You can find this notice on the MyFAA employee website at [https://employees.faa.gov/tools\\_resources/orders\\_notices](https://employees.faa.gov/tools_resources/orders_notices), the Flight Standards Information Management System (FSIMS) at <https://fsims.avs.faa.gov>, and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA website at [https://www.faa.gov/regulations\\_policies/orders\\_notices](https://www.faa.gov/regulations_policies/orders_notices), FSIMS at <https://fsims.faa.gov>, and the DRS.

**4. Background.** The FS International Program Division (AFS-50), together with the General Aviation and Commercial Division (AFS-800), is responsible for ensuring foreign operators are operating safely within the United States, and are in compliance with applicable laws and regulations. This responsibility includes investigating preliminary PD reports from the Air Traffic Organization (ATO), as well as notification and coordination with the foreign airman/operator's CAA, and followup as appropriate to assess whether corrective actions were effective.

**a. Sharing Investigation Data.** In an effort to expedite notifications of PDs, the FAA is testing the sharing of investigation data via email with foreign CAAs who are not PIPD participants.

**b. Sharing Preliminary PD Data.** Neither the FAA nor its partner CAAs can effectively bring a foreign airman/operator into compliance and recognize trends when not aware of a PD. To ensure that a CAA promptly learns of a PD, AFS-50, together with AFS-800, has modified its guidance under this beta test to accommodate the sharing of preliminary PD report data via email. AFS-50 and AFS-800 expect this to improve their respective oversight and to enhance aviation safety.

**c. Evaluating Data.** The FAA will evaluate data from the email beta test to address the efficacy of a potential long-term policy for sending foreign referrals by email and eliminate the need to prepare an enforcement investigative report (EIR) (in cases that do not warrant legal action).

**d. Relationship to FAA Compliance Program.** FS personnel investigate all possible allegations of pilot deviations in the National Airspace System (NAS). Documentation of events subject to this notice (and all other foreign airman/operator events, with limited exceptions) are not recorded as Compliance Actions (CA) for the following reasons:

(1) Order 8900.1, Volume 7, Chapter 4, Section 2, Pilot Deviations, Subparagraph 7-4-2-17H, Special Instructions for Foreign GA PD Investigations, precludes use of a CA.

(2) Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, subparagraph 14-1-2-7D1a) provides for exclusion of persons exercising a foreign pilot license.

(3) FAA Order 2150.3, as amended, FAA Compliance and Enforcement Program, Chapter 3, Compliance and Enforcement Overview, paragraph 8 and Chapter 8, Enforcement Counsel Responsibilities, paragraph 29 require foreign referral.

(4) Because referrals involve the foreign CAA, not the FAA, taking action on the foreign airman/operator, those actions do not meet the definition of a CA (an FAA action) in Order 8900.1, Volume 14, Chapter 1, Section 2, Subparagraph 14-1-2-3D3), Compliance Action (CA).

(5) Even in cases where the FAA may take action under the CADP when FS personnel have direct contact with the foreign airman/operator (e.g., as in subparagraph 6b of this notice, for counseling), FS has chosen to keep these foreign actions documented separately from CAs for the clarity of domestic data and performance metrics.

**5. Email Beta Test.** The email beta test changes the processing of GA PDs for all FS personnel. FS will continue processing PDs as prescribed in inspector guidance for PDs not covered by this policy or other policies involving the foreign referral of PDs (i.e., N 8900.567, N 8900.577, and N 8900.591). As an overview, FS personnel transmit (via an “information email”) information the FAA has regarding a PD to the responsible non-PIPD-participating CAA and request from the CAA information regarding its investigation of the PD and any corrective action taken in response to it. The changes in processing PDs are as follows:

**a. FS Personnel.** Once FS personnel assigned to investigate the preliminary PD determine that a foreign airman/operator not from a PIPD-participating country committed the PD, FS personnel will:

(1) Create an encrypted security envelope that includes a copy of the Mandatory Occurrence Report (MOR) for the PD that will be included in the information email sent to the foreign airman/operator's CAA. Encryption is done via Adobe Acrobat and a password for access to encrypted material is sent via a separate email. See Appendix D, Tutorial on How to Encrypt with Adobe.

**Note:** FAA information security and privacy policy includes restrictions on the provision of information by FAA personnel outside the FAA. When appropriate for purposes of compliance and enforcement, the FAA can provide information about a PD to CAAs and airmen/operators. However, information security requirements preclude the unencrypted electronic transmission of Personally Identifiable Information (PII) to CAAs and airmen/operators. Accordingly, before electronically transmitting documents containing a pilot's PII (e.g., name, telephone number, personal address, or certificate number), FS personnel must ensure that the PII information is encrypted. FS personnel do not need to encrypt an air traffic radar replay, an arrival, a departure, or an instrument approach plate.

(2) Determine whether an MP4 file created from the Falcon replay is attached to the MOR. The MP4 file is accessed by clicking on the link identified in the notice of a preliminary PD report sent from [noreply@cedar.faa.gov](mailto:noreply@cedar.faa.gov) to the FS mailbox. If the replay is not attached to the MOR, FS personnel may:

(a) Create the Falcon replay in the MP4 format themselves via Falcon automation (assuming a mechanism/instructions are available); or

(b) Contact the Air Traffic Quality Assurance (ATQA) specialist who created the MOR, request a Falcon replay in the MP4 format, and attach a copy of the replay (if available) to the email.

(3) Send an information email to the foreign airman/operator's CAA. For help with CAA contact information, Flight Standards District Offices may contact the International Field Office(s) (IFO) for the geographical area of the CAA. IFOs that do not have contact information should contact the International Operations Branch (AFS-52). See Appendix A, Sample Information Email. An information email:

(a) Provides a summary of the event that does not contain any PII.

(b) Provides an encrypted copy of the MOR (see subparagraph 5a(1)) with the MP4 file (if available). If the MP4 file is too large to be sent by email, then FS personnel may:

1. Share the MP4 file via Huddle application (for questions related to the Huddle application, contact AFS-52 or the International Field Office Management Branch (AFS-54)); or

2. Contact AFS-52 or AFS-54 for assistance.

(c) Requests that the CAA acknowledge receipt of the email, review the information provided, and provide any information regarding the investigation and/or corrective action, including what happened, why it happened, and what action, acceptable to the CAA, the airman/operator has taken to mitigate reoccurrence. This email also advises the CAA that it must provide acknowledgement of receipt of the email and the requested information within 15 calendar-days of the date of the email, and that if the CAA needs more time to review and take action on the FAA-provided information, then to request, in writing, an extension from the responsible FAA office.

(d) Informs the CAA of the opportunity to request that the FAA provide more information.

(e) Includes the MOR number or the Safety Assurance System (SAS) investigation number on all correspondence for non-EIR foreign referrals. Whatever number is used must stay consistent throughout the correspondence.

(4) Email the password for access to the encrypted attachments to the foreign airman/operator's CAA. See Appendix B, Sample Password Notification Email.

(5) Monitor the CAA's response to the information email. If the CAA does not respond within 15 calendar-days, send a followup email to the CAA. If the CAA does not respond to the followup email, request assistance from AFS-52 in determining whether further followup is appropriate or if the matter should proceed without a response. If the CAA requests additional information that contains PII, then FS personnel must encrypt the additional information before emailing it to the CAA. FS personnel should use the same password as the one emailed to the CAA to open the encrypted attachments to the information email.

(6) Assess whether any corrective action taken by the foreign airman/operator and accepted by the foreign CAA or proposed by the foreign CAA and taken by the foreign airman/operator mitigates reoccurrence. If FS personnel assess that the corrective action mitigates reoccurrence, then FS personnel may close out the case without preparing an EIR unless criteria in subparagraph 5d(2) are met. If FS personnel assessed that the corrective action did not mitigate reoccurrence, then FS personnel should close out the PD investigation and initiate an EIR.

(7) Document activities in SAS Activity Recording (AR), using activity code 1712, as follows:

(a) For foreign referrals not requiring an EIR (i.e., non-EIR foreign referrals) (see subparagraph 5d(1)), document all actions taken by the foreign airman/operator, the FAA, or the foreign CAA in the PD investigation record comments. Do not create any CA activity records.

(b) For foreign referrals requiring an EIR (i.e., EIR foreign referrals) (see subparagraph 5d(2)), trigger the enforcement activity record from the PD investigation record.

(8) For non-EIR foreign referrals, send a closure email to the foreign CAA stating that the matter is closed. See Appendix C, Sample Closure Email. FS personnel will send this email

on the same email string as the one used for the information email. The closure emails are not sent for EIR foreign referrals. The closure email must not contain any PII.

**b. The International Field Office Management Branch (AFS-54).** This office will provide:

- (1) Backup support to AFS-52; and
- (2) Data analysis.

**c. The International Operations Branch (AFS-52).** This office will:

- (1) Track progress, and
- (2) Work with FS to continue to fine-tune the process.

**d. Foreign Referrals.** Foreign referrals under the email beta test may be accomplished without EIRs (see subparagraph 5d(1)), except as detailed in subparagraph 5d(2).

(1) Non-EIR Foreign Referrals. When conducting a non-EIR foreign referral, FS personnel do not obtain an EIR number. A non-EIR foreign referral is accomplished with the provision of information to the foreign CAA through email. In addition to the provision of information to the foreign CAA through email, FS personnel ensure the completion of one of the following:

- (a) Counseling by the CAA;
- (b) Corrective action by the CAA responsible for the airman's certificate (or, if no pilot information is available, the CAA responsible for the aircraft registration owner); or
- (c) Corrective action by the foreign airman/operator that is accepted by the foreign CAA.

(2) EIR Foreign Referrals. FS personnel prepare EIRs for referral to foreign CAAs when:

- (a) The foreign CAA requests the completion of an EIR; or
- (b) Legal enforcement action is required or appropriate under the guidance in Order 2150.3, as amended, chapter 5, including for the following circumstances (for which FAA personnel use only EIR foreign referrals):
  - 1. Intentional conduct;
  - 2. Reckless conduct;
  - 3. Failure to complete corrective action on terms satisfactory to the FAA;
  - 4. Conduct that creates or threatens to create a high level in the likelihood and/or severity of significant risk to safety, and the FS Executive Director (AFX-1) determines that

alternative means to address the noncompliance and to effectuate immediate and future compliance would not be sufficient (refer to Order 8900.1, Volume 14, Chapter 1, Section 2, paragraph 14-1-2-8, for the process to get FS AFX-1 approval);

5. Legal enforcement action is required by law; or
6. Repeated noncompliances, when FS personnel identifies:
  - a. Multiple noncompliances with various sections or subsections of the same or similar regulations during a single event,
  - b. Prior noncompliance with the same or similar section or subsection of a regulation during a previous event, or
  - c. Noncompliance with different sections or subsections of a regulation arising from a common root cause; and
  - d. FS personnel determine that legal enforcement action is the appropriate response.

(c) Legal enforcement is also appropriate for the following circumstances:

1. FS personnel determine that the CAA has failed to respond to the information email or has not adequately responded to the information email;
2. The CAA provides insufficient information to allow for a root cause determination for the PD; or
3. The CAA is unlikely to or will not take appropriate corrective action to address the PD.

**6. Action.** All FS personnel will review the guidance in this notice and take appropriate action to ensure compliance.

**a. SAS AR Information.** Provide the following information in SAS AR for all foreign referrals:

- (1) A description of deviation;
- (2) Causal and/or contributing factors, if any;
- (3) FS personnel recommendation(s);
- (4) Steps the foreign airman/operator or corresponding CAA or governing body is doing or has done to mitigate the possibility of the same event happening again (if applicable);
- (5) Whether an encrypted MOR and MP4 for the PD was sent via email to the appropriate CAA;

- (6) SAS AR number for the PD investigation record;
- (7) The foreign authority's name; and
- (8) Other comments (if none, state "none").

**b. For Non-EIR Foreign Referrals.** For foreign referrals not requiring an EIR, document all corrective actions (e.g., CAA counseled airman) in the PD investigation record comments. Do not create any CA activity records.

**c. For EIR Foreign Referrals.** For foreign referrals requiring an EIR, trigger the enforcement activity record from the PD investigation record.

**Note:** Identifying data, such as airmen names, may not be available. Aircraft information should be as complete as possible, with attention to flight number or call sign (if applicable). When the information is insufficient, the FS personnel must complete SAS AR and state in the narrative block: "Due to the lack of information, unable to complete the investigation."

**7. Disposition.** The information in this notice is expected to be incorporated into Order 8900.1, Volume 7, Chapter 4, Section 2, Pilot Deviations; and Volume 12, Chapter 4, Section 15, Accidents, Incidents, Near Midair Collision (NMAC), Pilot Deviation (PD), and Compliant Investigation (Includes Part 375), before this notice expires. The information in this notice has been coordinated with the General Aviation and Commercial Division (AFS-800), the National Program Office Branch's (AFS-910) Safety and Compliance Team, and the Office of the Chief Counsel, Enforcement Division (AGC-300). Direct questions or comments concerning the information in this notice to the International Operations Branch (AFS-52) at 202-267-0962.



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**Appendix A. Sample Information Email**

Subject: Request for Information, Pilot Deviation (PD) [MOR number or SAS investigation number]

Dear [enter CAA official name]:

The [name] Office has received notice of a preliminary PD report relating to a PD occurring at [location of PD] on [date of PD]. Below is a summary of the event:

[PD summary from preliminary PD report. It must not include any personally identifiable information (PII).]

Along with this email, please find a copy of the encrypted Mandatory Occurrence Report (MOR) [enter if including: “and an MP4 file (Falcon replay)”] of the referenced PD. A password to decrypt will be sent via a separate email. [Enter if MP4 file will be shared by Huddle application: “There are audio playback (MP4) file(s) for this pilot deviation. The MP4 file(s) are too large to send in this message. I will send a link to a shared folder (Huddle web link) so you have access to the MP4 file(s). If this is your first time logging in to Huddle, then the system will prompt you to create a user name and password. Please let me know if you have any problems accessing the MP4 files.”]

Please review the information provided and acknowledge receipt by [enter date of 15 calendar-days from email date]. Please provide any information regarding investigation of this PD and/or corrective action taken, including analysis (what happened and why it happened) and what action acceptable to the CAA has been taken or is planned to be taken to mitigate reoccurrence, if applicable. If more time is needed for review and action on the FAA-provided information, please request, in writing, an extension from this office.

Sincerely,

[FS personnel signature, name, title, and telephone number]

[Office address]

Attachments: [Enter if including MP4 file (Falcon replay)], MOR

cc [Additional names as appropriate]



**Appendix B. Sample Password Notification Email**

Subject: Password Request for Information, Pilot Deviation (PD) [MOR number or SAS investigation number]

Dear [enter name of CAA official]:

Please find below the password to open Pilot Deviation (PD) [MOR number] emailed on [date].

Sincerely,

[FS personnel signature, name, title, and telephone number]

[Office address]

cc [Additional names as appropriate]

### **Appendix C. Sample Closure Email**

Subject: Closure, Pilot Deviation (PD) [MOR number or SAS investigation number]

Dear [enter name of CAA official]:

The [name] Office is closing the preliminary PD report relating to a PD occurring at [location of PD] on [date of PD] as follows:

[Description of how the matter was closed. See subparagraph 5d(1) for non-EIR Foreign Referral. It must not contain any personally identifiable information (PII).]

Sincerely,

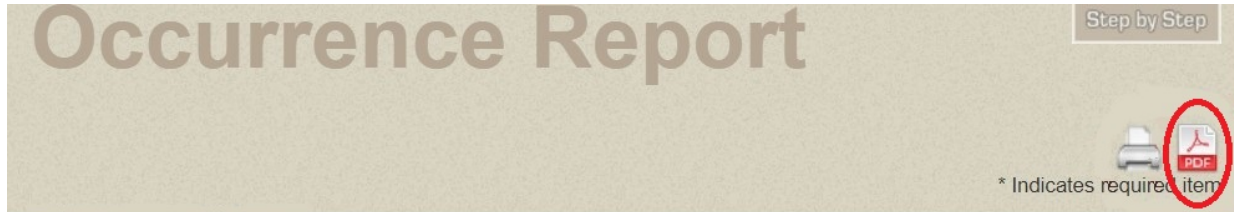
[FS personnel signature, name, title, and telephone number]

[Office address]

cc [Additional names as appropriate]

## Appendix D. Tutorial on How to Encrypt with Adobe

1. Obtain a PDF version of the Mandatory Occurrence Report (MOR). For an MOR: by clicking on the Adobe icon on the right of the MOR page, you can create a PDF file. Name the file the MOR reference number (without slashes). Save in an easy-to-find location.



2. Download any attachments in the MOR “Supporting Data” area. Save in an easy-to-find location.



**Note:** If there is a Falcon audiovisual file (radar/radio playback), it needs to be converted to an MP4 file. Request assistance from the air traffic control (ATC) specialist under “Assigned to” in the top right area of the MOR. Alternatively, a better facility Quality Control point of contact (POC) may be listed in the supporting data file. Place the MP4 file in an easy-to-find location.

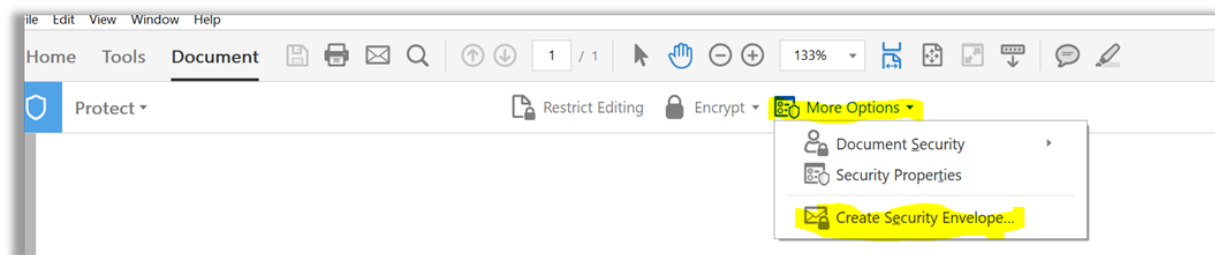
**Note:** Air Traffic Organization (ATO) Quality Assurance maintains the following Knowledge Services Network (KSN) sites for transfer of pilot deviation files that are too large for emails (MP4 files are often quite large):

- Eastern Service Area: <https://ksn2.faa.gov/faq/QA-ESAE/Facilities%20ESA%20%20Enroute/Forms/AllItems.aspx>.
- Central Service Area: <https://ksn2.faa.gov/faq/QA-CSAE/Facilities%20CSA%20%20Enroute/Forms/AllItems.aspx>.
- Western Service Area: <https://ksn2.faa.gov/faq/QA-WSAE/Facilities%20WSA%20%20Terminal/Forms/AllItems.aspx>.

**Note:** Coordinate transfer of supporting files with the facility Quality Control representatives. Request access as needed using the link on the KSN site.

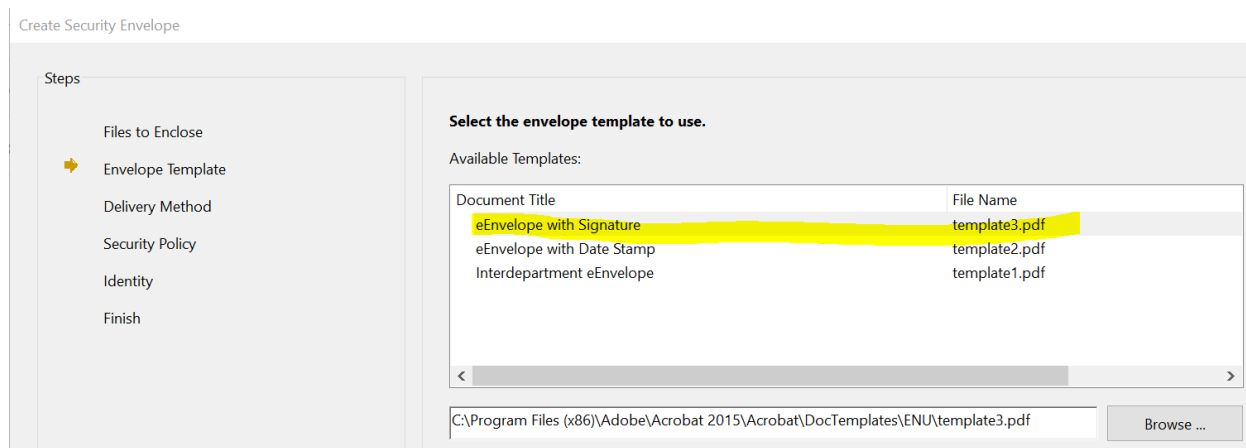
3. Open the PDF version of the MOR.

4. Under “Tools,” select “Protect,” then under “More Options” or “Advanced Options” (depending on which Adobe Acrobat Pro PD version you have), select “Create Security Envelope.”

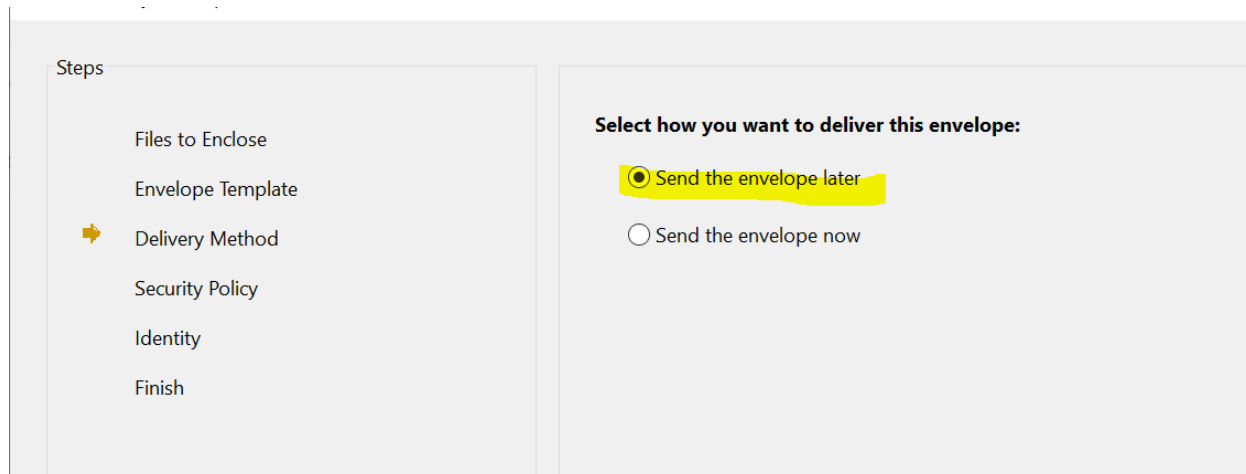


A dialog box will open.

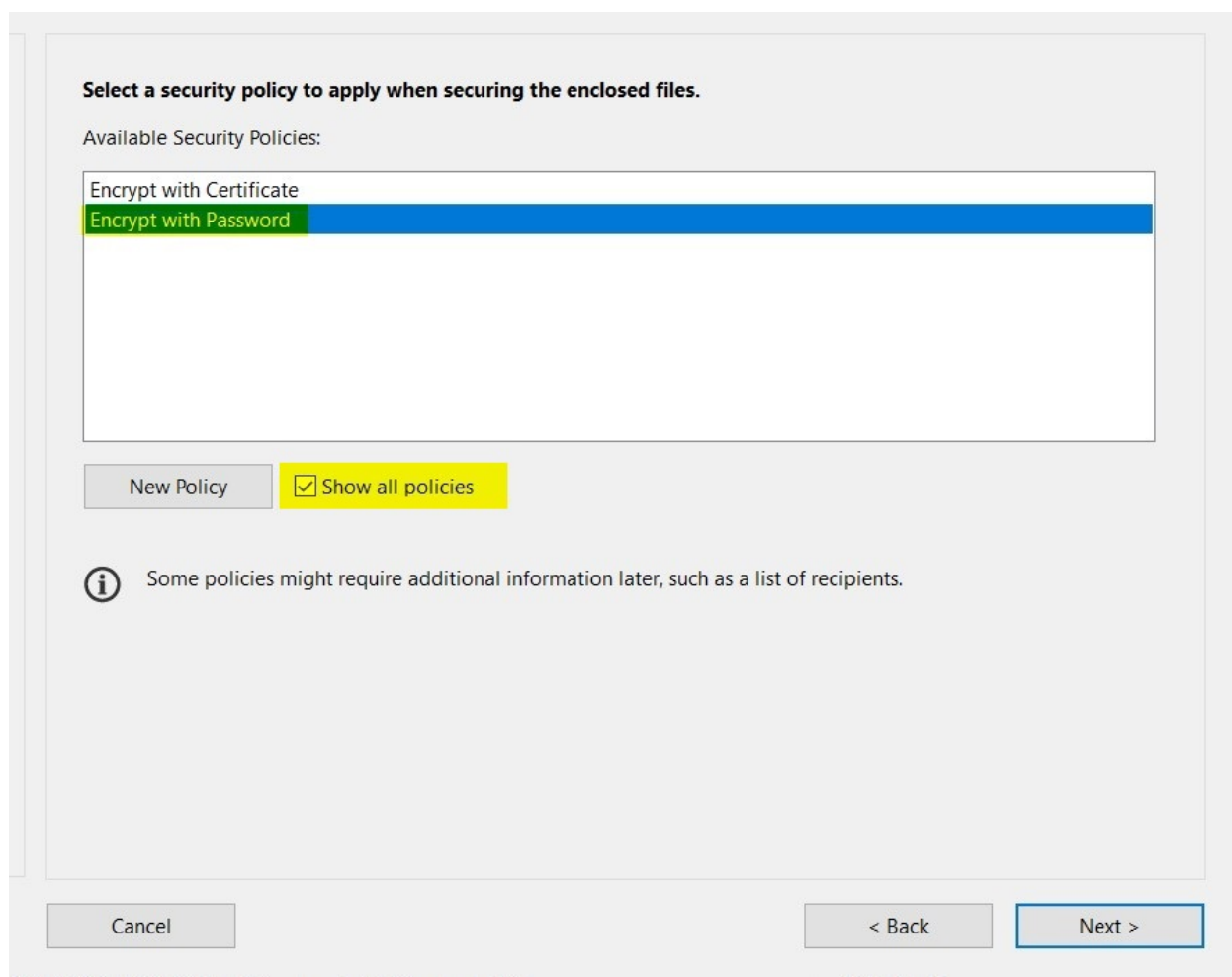
5. Add supporting files (for example, MP4 file) via the dialog box (“Add File to Send...”). Make sure there are no extraneous files. If there are, select “Remove Selected Files.” Select “Next >” on the bottom right after you have added all files.
6. Select “eEnvelope with Signature.” Select “Next >” on the bottom right.



7. Select “Send the envelope later” (default). Select “Next >” on the bottom right.



8. On the “Security Policy” page, click “Show all policies,” then select “Encrypt with Password.” Select “Next >” on the bottom right.



9. If this is first time doing this, then fill out the identity screen (see below) and check the box “do not show again.”

The screenshot shows a software interface with a sidebar on the left and a main content area on the right. The sidebar, titled "Steps", contains a list of options: "Files to Enclose", "Envelope Template", "Delivery Method", "Security Policy", "Identity" (which is highlighted with a yellow star icon), and "Finish". The main content area has a heading "Identity" and a sub-heading "When sending security envelopes, your identity can be used to fill in form fields in the envelope template. Please enter the identity information you wish to use here. To modify this information in the future, simply go to the Identity panel in the preferences." Below this, there are several text input fields: "Login Name: Danuta Pronczuk", "Name:", "Title:", "Organization Name:", "Organization Unit:", and "Email Address:". All these fields are filled with yellowed-out text. At the bottom of the main content area, there is a checkbox labeled "Do not show again" which is currently unchecked. At the very bottom of the window, there are three buttons: "Cancel", "< Back", and "Next >".

10. Select “Finish” on the bottom right. That gets you to this dialog box:

Password Security - Settings

Document Open

☒ Require a password to open the document

Document Open Password: [Yellow field] [Grey field] [Grey field] [Grey field] Not Rated

*This password will be required to open the document.*

Permissions

☐ Restrict editing and printing of the document. A password will be required in order to change these permission settings.

Printing Allowed: High Resolution

Changes Allowed: Any except extracting pages

☒ Enable copying of text, images, and other content

☒ Enable text access for screen reader devices for the visually impaired

Change Permissions Password: [Empty field] [Grey field] [Grey field] [Grey field] Not Rated

Options

Compatibility: Acrobat X and later Encryption Level: 256-bit AES

☒ Encrypt all document contents

☐ Encrypt all document contents except metadata (Acrobat 6 and later compatible)

☐ Encrypt only file attachments (Acrobat 7 and later compatible)

*All contents of the document will be encrypted and search engines will not be able to access the document's metadata.*

Help OK Cancel

11. Click on “Require a password to open the document.”

12. Go to Outlook and initiate the draft password notification email. Create a password in the body of the password notification email. This method allows copying and pasting, and reduces the chances of a typographical error. Paste the password into the Adobe “Document Open Password” field (see screenshot above). Ensure password is rated “Best.”

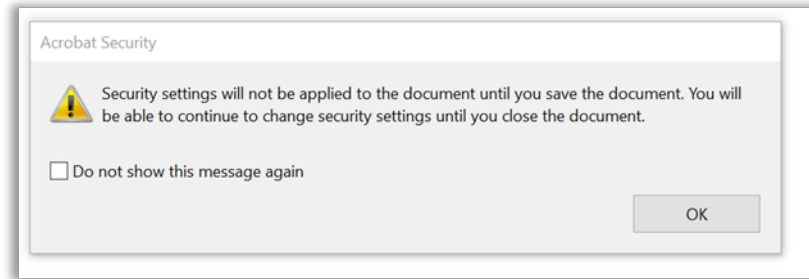
**Note:** Password complexity must comply with Appendix 2 of FAA Order 1370.121, FAA Information Security and Privacy Program and Policy, which stipulates that passwords must contain at least 16 characters, consist of a mix of upper- and lower-case letters, numbers, and special characters, and not contain common dictionary words.

13. Under “Options,” verify that “Acrobat X and later” in the drop-down menu is selected so that Encryption Level: 256-bit AES is listed.

14. Select the radio button “Encrypt all document contents.” Select “OK.”

15. A dialog box opens asking you to confirm the “Document Open Password.” Enter it and select “OK.”

16. A dialog box tells you that security settings will not be applied until you save the document. Select “OK.”



**17.** Save the document. Use the MOR reference number as the file name, preceded by "Security Envelope." You should see "(SECURED)" at the end of the file name.

**18.** Re-open to confirm the document is encrypted.

**Note:** Once you send the information email (see Appendix A) with the security envelope you just created, return to the draft password notification email (see Appendix B). Send the password notification email.