

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.628

National Policy

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6/3/22

Cancellation Date:
6/3/23

SUBJ: How to Document Regulatory Compliance Actions and Enforcement Actions
in SAS

- 1. Purpose of This Notice.** This notice provides a consistent process to document Regulatory Compliance Actions (CA) and Enforcement Actions in the Safety Assurance System (SAS) and provides an update on available tools and reports to track these actions. This notice focuses on the locations within the automation where information is entered to create quality records.
- 2. Audience.** The primary audience for this notice is aviation safety inspectors (ASI), Front Line Managers (FLM), Office Managers (OM), aviation safety technicians (AST), and Aviation Safety Assistants (ASA) in Air Carrier and General Aviation Safety Assurance (SA) offices. The secondary audience includes the Safety Standards and Foundational Business offices.
- 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 and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the Federal Aviation Administration's (FAA) website at https://www.faa.gov/regulations_policies/orders_notices and DRS.
- 4. Guidance Updates.** This notice supplements the policies in FAA Order 8900.1, Volume 10, Safety Assurance System Policy and Procedures, and Volume 14, Compliance and Enforcement, superseding parts of those policies limited to where they conflict with this notice on documentation for Regulatory CAs and Enforcement Actions documentation in SAS. This notice reissues content from expired N 8900.584, How to Document Regulatory Compliance Actions and Enforcement Actions in SAS, Including Specific Instructions for Passenger Interference Cases in the EIS, Paragraph 6, Automation Enhancements Effective With SAS Release 3.3.1., and Paragraph 7, How to Document Regulatory CAs and Enforcement Actions in SAS, with clarifications now that SAS 3.5 automation and policy have been released. Clarifications have also been added to the "Action" paragraph to reflect SAS 3.5 automation and in response to SA office questions about the original notice. Content from N 8900.584, Paragraph 8, Specific Instructions for Documenting Passenger Interference Cases, is being reissued in a separate notice.

Note: Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, and its Compliance Action Decision Process (CADP) are used to determine whether CA or Enforcement Action is

appropriate for each case of apparent or actual noncompliance. This notice only addresses documentation of the investigation and FAA actions.

5. Background. On October 1, 2020, SAS Phase 3 functionality was implemented, including Tasks, Activity Recording (AR), and the Office Workload List (OWL). Logbook software was deactivated on December 31, 2020. As a result of these changes, some personnel documented Regulatory CAs and Enforcement Actions using only the “CA – Compliance Action” or “ENF – Enforcement Action” Tasks. For noncertificated persons or a certificate holder (CH) *without* a Comprehensive Assessment Plan (CAP), Order 8900.1, Volume 14 requires a SAS AR record for Regulatory CA or Enforcement Action. Regulatory CA or Enforcement Action for CHs *with* a CAP must be documented in Module 5 and tracked in the Action Item Tracking Tool (AITT). Use of only the OWL Task without the AR records or AITT entries required by policy caused discrepancies with data review, reporting, and documentation of Regulatory CAs and Enforcement Actions. To mitigate this problem, “CA – Compliance Action” and “ENF – Enforcement Action” selections were removed from the Investigation Tracking Tasks Code/Title dropdown list on January 25, 2021. Subsequent feedback received from SAS users indicated the need for short-term automation enhancements and messaging regarding the assignment, tracking, and documentation of Regulatory CAs and Enforcement Actions. The ability to track critical AITT due dates and completion in the OWL was specifically requested by managers in the SA offices. After implementation of these enhancements, feedback identified a conflict between policy and automation when assigning different resources to the initial investigation and subsequent Regulatory CA or Enforcement Action for persons without a CAP. This notice clarifies “Process B” in subparagraph 7b below to address that issue. Later implementation of SAS 3.5 required other editorial changes to fully align with the new automation.

6. Automation Enhancements Effective With SAS Release 3.3.1.

a. Completion of Locked Tasks. Tasks with “CA – Compliance Action” and “ENF – Enforcement Action” Codes/Titles that became locked on January 25, 2021 are now able to be completed. Any Regulatory CA or Enforcement Action AR records associated with these Tasks must be created or linked in accordance with this notice. These Tasks must now have at least one Investigative SAS AR record associated in order to be closed. The intent of this new software feature is to encourage formal recording of Regulatory CAs and Enforcement Actions as required in Order 8900.1, Volume 14. For new Tasks created after this update, the automation will prevent closure of the Task without the AR record.

b. Addition of Optional Task Code/Titles. New Task Code/Titles “AITT CA – AITT Regulatory Compliance Action” and “AITT ENF – AITT Initiate 2150.3” have been added. These *optional* Tasks are not a substitute for the *required* formal record in the AITT and are closed without an associated AR record. These *optional* tasks may be used by SA offices to provide visibility of the respective AITT actions in the OWL.

7. How to Document Regulatory CAs and Enforcement Actions in SAS. The following information provides two step-by-step processes based on policy in Order 8900.1, Volumes 10 and 14 and SAS 3.5 automation enhancements. Choose the process based on the type of regulated person involved. If difficulties arise from automation limitations or the need to assign

more than one resource to an issue or event, the organizational intent is that all related records must be linked together to tell the whole story. “Related records” means the SAS record(s) for the activity that led to the discovery or determination of noncompliance, related investigation records, FAA actions taken, the regulated person’s actions taken, and validation of the regulated person’s corrective action. For additional information on linking records, refer to Order 8900.1, Volume 14, Chapter 1, Section 2, Subparagraphs 14-1-2-9D, Multiple Records Requirement, and 14-1-2-9G, SAS Fully Integrated CH Instructions.

a. Process A—Documenting Regulatory CAs and Enforcement Actions for CHs with a CAP. Process A applies to Title 14 of the Code of Federal Regulations (14 CFR) parts 121, 135, 141, 142, 145, 147, and any other CHs managed using all five modules of SAS. For regulatory or statutory noncompliance by employees of such CHs, see subparagraph 7b(3) below.

(1) If the discovery or determination of the potential noncompliance is a result of a Data Collection Tool (DCT) finding, then document the investigation and resulting Regulatory CAs and/or Enforcement Actions as follows:

(a) Any action taken by the ASI must be documented in the “Inspector Action Taken” field in the DCT. ASI actions may include intervening to prevent a safety issue or regulatory noncompliance, communicating a safety hazard, risk, concern, or recommendation to a CH or applicant personnel, counseling personnel, and/or notifying the principal inspector (PI)¹.

(b) Actions taken by the CH must be documented in the “Supporting Comments” field.

(c) Document CAs in accordance with Order 8900.1, Volume 14, Chapter 1, Section 2. Refer to Order 8900.1, Volume 10, Chapter 5, Section 2, Safety Assurance System: Data Reporting [Module 4], for additional details on use of the “Inspector Action Taken” and “Supporting Comments” fields.

(2) During Analysis, Assessment, and Action (AAA)/AITT, if the PI determines that CH noncompliance occurred, the PI will select “Regulatory” and an action choice of either “Compliance Action” or “Initiate 2150.3()”.

(a) For Regulatory CA, the PI will select “Compliance Action” as an action choice. This includes instances where the actions taken at the point of discovery are sufficient and require no further actions.

(b) For Enforcement Action, the PI will select the “Initiate 2150.3()” action choice.

Note: The PI has the ability to add actions directly from the DCT question. If the PI adds an action directly from a question with a negative response in the DCT, it will be included automatically by SAS automation in the “Action Implementation” tab of the specific assessment. This can be viewed in the

¹ The PI instructions in the notice also apply to a Training Center Program Manager (TCPM) or certificate program manager (CPM), unless the job task is otherwise restricted to PIs by Order 8900.1, Volume 10 policy.

“Action Implementation” tab for the assessment and is indicated in the “Corrective Actions Scheduled” of the findings report. To avoid adding duplicate actions to the AITT, the PI should review the “Action Implementation” tab prior to adding actions and selecting “Save.”

(3) The PI must use the AITT to initiate, track, and document corrective actions and followup associated with Regulatory CAs or Enforcement Actions. The PI must validate that corrective actions taken by the CH are effective. Related action items in the AITT must remain open until validation of effectiveness occurs.

(4) The Front Line Manager (FLM) or designee may create an optional “AITT CA – AITT Regulatory Compliance Action” or “AITT ENF – Initiate 2150.3” Investigation Tracking Task for visibility in the OWL. CA and Enforcement Action AR records are not used.

(5) Once the PI has validated the Regulatory CA was effective, or the Enforcement Investigative Report (EIR) has been submitted and associated CH risk mitigated to an acceptable level, the action item can be closed. Any open “AITT CA – AITT Regulatory Compliance Action” and “AITT ENF – AITT Initiate 2150.3” Tasks should also be closed at this time. Refer to Order 8900.1, Volume 14, Chapter 1, Section 2, new Subparagraph 14-1-2-7G, Keep the Subject of the CA Apprised, for communicating closure to the CH.

b. Process B—Documenting Regulatory Compliance Actions and Enforcement Actions in SAS for Persons Without a CAP (e.g., Airmen, Noncertificated Persons, and CHs Under 14 CFR Parts Not Covered in Process A). If the potential noncompliance was committed by a person without a CAP, then document the investigation and resulting Regulatory CAs and/or Enforcement Actions as follows:

(1) Investigation Tracking Tasks (Accident, Complaint, Incident, Occurrence, Pilot Deviation, etc.).

(a) Generally, an Investigation Tracking Task is added to the OWL and assigned to a resource.

1. The resource reviews the assigned Task, completes documentation requirements for the Task, and will then “trigger” an Investigation AR record. This Investigation AR record becomes the “parent” Investigation AR record.

2. Link related AR records to the Task, and to each other per subparagraph 7b(1)(b)2 below (if not already linked by triggering). Linking of other related AR records to the Task may be done in the “Enter Common Data Fields” tab of the Task.

(b) Upon documented completion of the Investigation AR record, and based on decision(s) from the CADP:

1. The resource must either:

a. Trigger resulting Regulatory CA or Enforcement Action AR records from the parent Investigation AR record created in subparagraph 7b(1)(a)1 above (this newly-triggered AR record is the “child” record); or

b. The FLM or designee may create a “CA – Regulatory Compliance Action” or “ENF – Enforcement Action” Investigation Tracking Task for visibility in the OWL, from which the assigned resource would trigger the CA or Enforcement Action AR record; or

c. Trigger the child record per subparagraph a above, create the new Investigation Tracking Task per subparagraph b above, and link the parent and child records to the new Task.

d. In all cases, all related records must be linked as described in subparagraphs 7b(1)(a)2 and 7b(1)(b)2.

2. Link related AR records to each other, and to related Tasks per subparagraph 7b(1)(a)2 above (if not already linked by triggering). Linking related AR records to each other may be done in the “Other” section of the “Enter Common Data Fields” tab of either related AR record.

(2) Upon documented completion of a Surveillance Activity where suspected noncompliance occurred, and based on decision(s) from the CADP, the resource must:

(a) Close the Surveillance Activity with a Q-Compliance Action or E-Enforcement in the result field, as appropriate.

(b) Trigger resulting Regulatory CA or Enforcement Action AR records from the Surveillance AR record, or comply with one of the other options as described in subparagraph 7b(1)(b)1 above.

(c) Link related AR records to each other, and to related Tasks per subparagraph 7b(1)(a)2 above (if not already linked by triggering). Linking related AR records to each other may be done in the “Other” section of the “Enter Common Data Fields” tab of either related AR record.

(3) When completing a DCT for a CH with a CAP where suspected noncompliance was committed by an employee of the CH, and based on decision(s) from the CADP, the resource must:

(a) Determine if the employee is covered by an Aviation Safety Action Program (ASAP) and whether the employee has filed an ASAP report on the identified noncompliance. Refer to <https://www.faa.gov/initiatives/asap/asap-participants> and Order 8900.1, Volume 14, Chapter 1, Section 2, Subparagraphs 14-1-2-9A, ASAP and VDRP Data Protected from Disclosure, and 14-1-2-9K, Regulatory CA PTRS or SAS AR Records Opened in Error or Unable to be Completed, for documentation information. Refer to Order 8900.1, Volume 11,

Chapter 2, Section 1, Safety Assurance System: Aviation Safety Action Program, for more office coordination information.

(b) If a report has not been filed or was excluded, add a new Planned Activity in the OWL to document the Regulatory CA or Enforcement Action for the employee of the CH, and then submit for resourcing.

(c) Once resourced, document the Regulatory CA or Enforcement Action in the SAS AR record and include the DCT ID from which the noncompliance was discovered in a separate comment using the appropriate primary area, keyword “907”, and opinion code “I”.

(d) Return to the DCT and enter, in the “Inspector Action Taken” field, a short description of the action taken with the employee and the Activity ID (e.g., CAARSO99202200001). If unable to enter in the “Inspector Action Taken” field, enter the data into the “Supporting Comments” field of the DCT.

(e) Link any related AR records to each other as described in subparagraph 7b(2)(c) above.

(4) Investigation AR records, including Regulatory CA and Enforcement Action records, should be created as Planned Activities for resourcing and visibility in the OWL.

(5) When necessary, the resource must validate that corrective actions taken by the person are effective. Refer to Order 8900.1, Volume 14, Chapter 1, Section 2 for additional information on validation.

(6) Once the resource has validated the Regulatory CA was effective (when necessary), or the enforcement investigative report (EIR) has been submitted and associated risk mitigated to an acceptable level, the child AR record(s) can be closed. Any open Investigation Tracking Tasks should also be closed at this time if all related activities are completed. Refer to Order 8900.1, Volume 14, Chapter 1, Section 2, new subparagraph 14-1-2-7G, for communicating closure to the regulated person.

8. Supporting Process Documents. There are three process documents available to aid in the creation and management of Tasks and AR records. The documents provide screenshots to aid the user with the policy described in this notice.

a. Location and Details. These documents are available through the SAS Resource Guide (SRG) in the “Compliance Program Resources” quick link:

(1) The “OWL Assignment of Occurrence Investigation and 14 C.F.R. Section 121.580 Enforcement” process document provides specific instruction on documenting Enforcement Actions for behavior subject to Compliance and Enforcement (C&E) Bulletin No. 2021-1 (or a subsequent bulletin on this topic).

(2) The “Understanding the OWL” process document summarizes SAS AR and SAS user automation functions.

(3) The “OWL Tasks and Activity Recording” process document provides a standardized approach to managing Tasks and AR.

b. Optional Tasks. The process documents do not contain references to the new optional Tasks discussed in subparagraph 6b above for tracking AITT items in the OWL, but may be used as a guide for documenting those optional Tasks.

9. Additional Resources.

a. Reports.

(1) There are several Compliance Program reports available in Consolidated Analytics. You may find these through the SAS homepage under “SAS Resources,” by first selecting “Consolidated Analytics,” then selecting “Reports by Category,” and then selecting “Compliance Program.”

(2) A process document, “Compliance Program Reports,” describes how to access the reports in Consolidated Analytics and provides a short description of those reports.

(a) You may find it through the SAS homepage under “SAS Resources,” by first selecting “SAS Resource Guide,” then selecting “Compliance Program Resources” under “quick links,” and then selecting “Compliance Program Reports.”

(b) The process document may be accessed directly at <https://avssp.faa.gov/avs/afs900/CIPO/PRF/SAS%20Resource%20Guide/Compliance%20Program/Compliance%20Program%20Reports.pdf>.

b. Staff Support.

Direct notice questions or comments about:

(1) Policy to the National Program Office Branch (AFS-910), Safety and Compliance Team (SACT) at 9-avs-afs-cpft@faa.gov; and

(2) SAS automation or supporting process documents to your assigned Field Support Office Coordinator. Contact information is available under the “Field Support Office Coordinators” quick link in the SRG.

10. Action.

a. For CHs With a CAP. Document Regulatory CAs and Enforcement Actions in SAS Module 4 (Data Collection) and Module 5 (AAA and the AITT) in accordance with policy in Order 8900.1, Volumes 10 and 14 and the guidance in this notice.

(1) If desired, use optional Task Code/Titles “AITT CA – AITT Regulatory Compliance Action” and “AITT ENF – AITT Initiate 2150.3” to track these AITT items in the OWL.

(2) Do not create Regulatory CA or Enforcement Action AR records for “AITT CA – AITT Regulatory Compliance Action” or “AITT ENF – AITT Initiate 2150.3” Tasks. All documentation required by policy must be in the AITT.

b. For Persons Without a CAP. Document Regulatory CAs and Enforcement Actions in SAS AR using Regulatory CA AR records and Enforcement Action AR records, respectively, in accordance with policy in Order 8900.1, Volumes 10 and 14 and the guidance in this notice.

(1) Trigger Regulatory CA and Enforcement Action AR records (child records) from the primary Activity (parent record) that led to discovery of the noncompliance, or from their respective “CA – Compliance Action” or “ENF – Enforcement Action” Tasks, or link them as described in this notice. CA documentation required by Order 8900.1, Volume 14, Chapter 1, Section 2, Paragraph 14-1-2-9, PTRS/SAS CA Record Documentation Requirements, and similar information for Enforcement Actions, must be placed in the AR records.

(2) The CA Task and AR record(s) must remain open until validation that corrective actions were effective. The “ENF – Enforcement Action” Task and AR record(s) must remain open until risks to the National Airspace System (NAS) have been mitigated to an acceptable level and the respondent has been notified of final disposition of the Enforcement Action, as described in FAA Order 2150.3, FAA Compliance and Enforcement Program, chapter 6, subparagraphs 7d(1)(i)-(iii).

(3) Investigation AR records, including Regulatory CA and Enforcement Action records, should be created as Planned Activities for resourcing and visibility in the OWL.

(4) Link all related Tasks and records together as described in subparagraph 7b above.

11. Disposition. This notice or a replacement will remain in effect until incorporated into SAS automation and related policy in Order 8900.1. Direct questions or comments concerning the information in this notice to the AFS-910 SACT at 9-avs-afs-cpft@faa.gov.



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