CHANGES TO ASAP AC

ASAP SYMPOSIUM

20-21 NOVEMBER 2002

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GOALS OF ASAP POLICY SUBCOMMITTEE

- RECOMMEND ASAP POLICY AND ASSOCIATED AC LANGUAGE CHANGES THAT REFLECT LESSONS LEARNED TO DATE IN ASAP & IMPROVE PROGRAM
- MODIFY TONE OF AC TO EMPHASIZE SAFETY GOALS RATHER THAN ENFORCEMENT CONSIDERATIONS
- CLARIFY KEY TERMS AND IMPROVE READABILITY
- MINIMIZE DUPLICATION OF LANGUAGE IN DIFFERENT SECTIONS OF THE AC
- PROVIDE BETTER EXAMPLES OF ASAP EVENTS AND THEIR RESOLUTION
- UPDATE SAMPLE MOU TO REFLECT REVISED POLICY

Membership of Core Policy Subcommittee

- **MEMBERS:**
  - **Tom Longridge, Subcommittee Chair (FAA)**
  - **Don McClure (ALPA)**
  - **Ted Mallory (Northwest Airlines)**
  - **John Buchan (CALALPA)**
- **RESOURCE PERSONNEL:**
  - **Scott Griffith (Co-chair of ASAP ARC, American Airlines)**
  - **Cindy Dominik (FAA)**
  - **Loretta Alkalay (FAA)**
  - **Joe Keenan (FAA)**

SIGNIFICANT POLICY CHANGES

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- UNTIMELY SOLE SOURCE REPORTS
  - OLD POLICY
    - ACCEPT ONLY IF MEET CONDITIONAL ACCEPTANCE CRITERIA
  - NEW POLICY
    - ACCEPT IF MEET ALL ACCEPTANCE CRITERIA EXCEPT TIMELINESS

SIGNIFICANT POLICY CHANGES

TIMELINESS

- **CONDITIONAL ACCEPTANCE**
  - **OLD: IF A REPORT IS SUBMITTED LATER THAN 24 HOURS OR THE TIME PERIOD STATED IN THE MOU AFTER THE OCCURRENCE OF AN EVENT, THE ERC WILL REVIEW ALL AVAILABLE INFORMATION TO DETERMINE WHETHER THE EMPLOYEE KNEW OR SHOULD HAVE KNOWN ABOUT THE POSSIBLE VIOLATION WITHIN 24 HOURS OR THE TIME PERIOD SPECIFIED IN THE MOU OF ITS OCCURRENCE……**
  - **NEW: DELETES SPECIFIC REFERENCE TO CONDITIONAL ACCEPTANCE. INCORPORATES LANGUAGE ON REPORTS SUBMITTED LATER THAN THE TIME PERIOD AFTER THE OCCURRENCE OF THE EVENT INTO THE CRITERIA FOR TIMELINESS.**

- **NEW CRITERIA FOR TIMELINESS - Parag 9b(1)**
  IN ORDER TO BE CONSIDERED TIMELY, A REPORT MUST BE SUBMITTED IN ACCORDANCE WITH EITHER OF THE FOLLOWING TWO CRITERIA:

  9b(1)(a) WITHIN A TIME PERIOD FOLLOWING THE EVENT THAT IS DEFINED IN THE MOU, SUCH AS WITHIN 24 HOURS OF THE END OF THE DUTY DAY IN WHICH THE EVENT OCCURRED. IF THIS CRITERION HAS BEEN MET, A REPORT WOULD NOT BE REJECTED FOR TIMELINESS, EVEN IF THE FAA WAS ALREADY AWARE OF THE POSSIBLE NON-COMPLIANCE WITH THE REGULATIONS, AND MAY HAVE BROUGHT IT TO THE ATTENTION OF THE EMPLOYEE;

  9b(1)(b) WITHIN 24 HOURS OF HAVING BECOME AWARE OF POSSIBLE NON-COMPLIANCE WITH 14 CFR IN ACCORDANCE WITH THE FOLLOWING CRITERIA: IF A REPORT IS SUBMITTED LATER THAN THE TIME PERIOD AFTER THE OCCURRENCE OF AN EVENT STATED IN THE MOU, THE ERC WILL REVIEW ALL AVAILABLE INFORMATION TO DETERMINE WHETHER THE EMPLOYEE KNEW OR SHOULD HAVE KNOWN ABOUT THE POSSIBLE NON-COMPLIANCE WITH 14 CFR WITHIN THAT TIME PERIOD. IF THE EMPLOYEE DID NOT KNOW OR COULD NOT HAVE KNOWN ABOUT THE APPARENT NON-COMPLIANCE WITH 14 CFR WITHIN THAT TIME PERIOD, THEN THE REPORT WOULD BE INCLUDED IN ASAP, PROVIDED THE REPORT IS SUBMITTED WITHIN 24 HOURS OF HAVING BECOME AWARE OF POSSIBLE NON-COMPLIANCE WITH 14 CFR, AND PROVIDED ALL OTHER ASAP ACCEPTANCE CRITERIA HAVE BEEN MET. IF THE EMPLOYEE KNEW OR SHOULD HAVE KNOWN ABOUT THE APPARENT NON-COMPLIANCE WITH 14 CFR, THEN THE REPORT WILL NOT BE INCLUDED IN ASAP.

SIGNIFICANT POLICY CHANGES

(CONTINUED - 2)

- EXCLUDED REPORTS
  - OLD POLICY
    - REPORTS INVOLVING AN APPARENT DISREGARD FOR SAFETY THAT DO NOT DEMONSTRATE A LACK, OR RAISE A QUESTION OF A LACK, OF QUALIFICATION WILL BE ADDRESSED WITH NO MORE THAN ADMINISTRATIVE ACTION, PROVIDED THE ASAP REPORTS ARE SOLE SOURCE REPORTS
    - REPORTS INVOLVING AN APPARENT DISREGARD FOR SAFETY (THAT DO INVOLVE QUALIFICATION ISSUES) WILL BE REFERRED TO AN APPROPRIATE OFFICE WITHIN THE FAA FOR ANY ADDITIONAL INVESTIGATION AND REEXAMINATION AND/OR ENFORCEMENT ACTION.
  - NEW POLICY
    - EVENTS, RATHER THAN REPORTS, WILL BE REFERRED
    - ALL EXCLUDED EVENTS, WHETHER SOLE SOURCE OR NON-SOLE SOURCE, WILL BE REFERRED TO THE FAA FOR POSSIBLE ENFORCEMENT AND/OR RE-EXAMINATION

SIGNIFICANT POLICY CHANGES

(CONTINUED - 3)

- EXPLICIT LANGUAGE ON DISPOSITION OF ACCEPTED REPORTS
  - OLD POLICY
    - ALLEGED VIOLATIONS IN NON-SOLE SOURCE REPORTS WITH SUFFICIENT EVIDENCE WILL ORDINARILY BE CLOSED WITH ADMINISTRATIVE ACTION
    - ALLEGED VIOLATIONS IN SOLE-SOURCE REPORTS WILL ORDINARILY BE ADDRESSED WITH NO ACTION
  - NEW POLICY
    - EVENTS DISCLOSED IN NON-SOLE SOURCE REPORTS WITH SUFFICIENT EVIDENCE OF POSSIBLE NON-COMPLIANCE WITH 14 CFR WILL BE CLOSED WITH ADMINISTRATIVE ACTION
    - EVENTS DISCLOSED IN NON-SOLE SOURCE REPORTS WITHOUT SUFFICIENT EVIDENCE OF POSSIBLE NON-COMPLIANCE WITH 14 CFR WILL BE CLOSED WITH A FAA LETTER OF NO ACTION ACTION
    - ACCEPTED SOLE SOURCE REPORTS WILL BE CLOSED WITH NO ACTION

SIGNIFICANT POLICY CHANGES

(CONTINUED - 4)

- ALLOWANCE FOR RE-CONSIDERATION OF REPORTS INVOLVING POSSIBLE "BIG-5" EVENTS, WHEN WARRANTED
  - OLD POLICY
    - REPORTS THAT APPEAR TO INVOLVE POSSIBLE CRIMINAL ACTIVITY, SUBSTANCE ABUSE, CONTROLLED SUBSTANCES, ALCOHOL, OR INTENTIONAL FALSIFICATION WILL BE REFERRED TO AN APPROPRIATE FAA OFFICE FOR FURTHER HANDLING.
  - NEW POLICY
    - IF UPON COMPLETION OF SUBSEQUENT INVESTIGATION IT IS DETERMINED THAT THE EVENT DID NOT INVOLVE ANY OF THE AFOREMENTIONED ACTIVITIES, THEN THE REPORT WILL BE REFERRED BACK TO THE ERC FOR A DETERMINATION OF ACCEPTABILITY UNDER ASAP. SUCH REPORTS WILL BE ACCEPTED PROVIDED THEY OTHERWISE MEET ASAP ACCEPTANCE CRITERIA.

SIGNIFICANT POLICY CHANGES
(CONTINUED - 5)

- **REPEATED VIOLATIONS**

OLD: REPORTS INVOLVING THE SAME OR SIMILAR ALLEGED VIOLATIONS PREVIOUSLY COVERED UNDER ASAP THAT SATISFY THE CRITERIA IN PARAGRAPHS 9A AND B MAY ALSO BE INCLUDED IN ASAP. THE ERC WILL DETERMINE ON A CASE-BY-CASE BASIS WHETHER SUCH A REPORT WILL BE INCLUDED IN ASAP, BASED UPON THE FACTS AND CIRCUMSTANCES SURROUNDING THE ALLEGED VIOLATION.

NEW: REPORTS INVOLVING THE SAME OR SIMILAR POSSIBLE NONCOMPLIANCE WITH 14 CFR THAT WERE PREVIOUSLY ADDRESSED WITH ADMINISTRATIVE ACTION UNDER ASAP WILL BE ACCEPTED INTO THE PROGRAM, PROVIDED THEY OTHERWISE SATISFY THE ACCEPTANCE CRITERIA UNDER PARAGRAPHS 9A AND 9B ABOVE. THE ERC WILL CONSIDER ON A CASE-BY-CASE BASIS THE CORRECTIVE ACTION THAT IS APPROPRIATE FOR SUCH REPORTS.

CLARIFICATIONS OF LANGUAGE

- **KEY TERMS**
  - **EVENT REVIEW COMMITTEE**

    OLD: "THE ERC IS USUALLY COMPRISED OF A MANAGEMENT REPRESENTATIVE FROM THE CERTIFICATE HOLDER, A REPRESENTATIVE FROM THE EMPLOYEE GROUP, AND A SPECIALLY QUALIFIED FAA INSPECTOR FROM THE CHDO.

    NEW: "THE ERC IS USUALLY COMPRISED OF A MANAGEMENT REPRESENTATIVE FROM THE CERTIFICATE HOLDER, A REPRESENTATIVE FROM THE EMPLOYEE LABOR ASSOCIATION, IF APPLICABLE, AND A SPECIFICALLY QUALIFIED FAA INSPECTOR FROM THE CHDO

    OLD: "PREVIOUS DEMONSTRATION ASAP'S USED THE ERC CONCEPT. HOWEVER, THE PARTIES MAY AGREE TO USE AN ALTERNATIVE PROCESS."

    NEW: DELETES ALL REFERENCE IN THE KEY TERM DEFINITION TO PREVIOUS DEMONSTRATION PROGRAMS AND TO USE OF AN ALTERNATIVE PROCESS FOR THE ERC CONCEPT.

- **KEY TERMS**
  - CONSENSUS OF THE EVENT REVIEW COMMITTEE
    - **OLD: THE DEFINITION OF CONSENSUS IS FOLLOWED BY TWO SUBPARAGRAPHS FURTHER EXPLAINING THE CONCEPT**
    - **NEW: THE DEFINITION OF CONSENSUS IS UNCHANGED, BUT EXPLANATORY LANGUAGE IS DELETED FROM ITS LOCATION UNDER KEY TERMS.**
    - **NEW: AN EXPANDED DISCUSSION OF CONSENSUS OF THE ERC IS PROVIDED IN THE BODY OF THE AC, UNDER SECTION 8, PROCESSING OF REPORTS.**

- NEW LANGUAGE ON CONSENSUS OF THE ERC (Subparagraph 8b):

THE ERC MUST REACH A CONSENSUS WHEN DECIDING WHETHER A REPORT IS ACCEPTED INTO THE PROGRAM AND WHEN DECIDING ON CORRECTIVE ACTION RECOMMENTATIONS ARISING FROM THE EVENT, INCLUDING ANY FAA ADMINISTRATIVE ACTION. 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, THE ERC REPRESENTATIVE MUST BE EMPOWERED TO MAKE DECISIONS WITHIN THE CONTEXT OF THE ERC DISCUSSIONS ON A GIVEN REPORT. SENIOR MANAGEMENT AND SUPERVISORS SHOULD NOT PREEMPT THEIR RESPECTIVE ERC REPRESENTATIVE'S DECISION-MAKING DISCRETION FOR AN EVENT REPORTED UNDER 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 FAII.

- **KEY TERMS**
  - **SOLE SOURCE REPORT**
    - **OLD: FOR THE PURPOSES OF ASAP, THE FAA CONSIDERS A REPORT TO BE SOLE-SOURCE WHEN ALL EVIDENCE OF THE EVENT IS DISCOVERED OR OTHERWISE PREDICATED ON THE REPORT.**
    - **NEW: FOR THE PURPOSES OF ASAP, THE ERC SHALL CONSIDER A REPORT TO BE SOLE-SOURCE WHEN ALL EVIDENCE OF THE EVENT AVAILABLE TO THE FAA OUTSIDE OF ASAP IS DISCOVERED OR OTHERWISE PREDICATED ON THE REPORT.**
    - **NEW: ADDS CLARIFYING PARAGRAPH CONCERNING INTERPRETATION AND USE OF AN ASAP REPORT BY A COMPANY**

- **SOLE SOURCE REPORT - ADDITIONAL CLARIFYING LANGUAGE CONCERNING THE COMPANY**

  (SIMILARLY, FOR THE PURPOSE OF ANY ADDITIONAL ACTION TAKEN BY THE COMPANY OUTSIDE OF ASAP, AN AIRLINE CONSIDERS A REPORT TO BE SOLE-SOURCE WHEN ALL EVIDENCE OF THE EVENT KNOWN TO THE AIRLINE IS DISCOVERED BY OR OTHERWISE PREDICATED ON THE ASAP DISCLOSURE. THE COMPANY DOES NOT USE ANY INFORMATION OBTAINED THROUGH ASAP TO INITIATE OR SUPPORT DISCIPLINARY ACTION OUTSIDE OF ASAP, WITH THE EXCEPTION OF THOSE EVENTS EXCLUDED FROM ASAP DUE TO THE APPEARANCE OF POSSIBLE CRIMINAL ACTIVITY, SUBSTANCE ABUSE, CONTROLLED SUBSTANCES, ALCOHOL, OR INTENTIONAL FALSIFICATION.)

KEY TERMS

- SUFFICIENT EVIDENCE

  OLD: SUFFICIENT EVIDENCE MEANS EVIDENCE GATHERED BY AN INVESTIGATION NOT CAUSED BY, OR OTHERWISE PREDICATED ON, THE INDIVIDUAL'S SAFETY-RELATED REPORT. FOR APPARENT VIOLATIONS COVERED UNDER AN ASAP, NO MORE THAN ADMINISTRATIVE ACTION WILL BE TAKEN AGAINST AN INDIVIDUAL FOR AN APPARENT VIOLATION REPORTED UNDER THE PROGRAM. THERE MUST BE SUFFICIENT EVIDENCE TO PROVE THE VIOLATION, OTHER THAN THE INDIVIDUAL'S SAFETY-RELATED REPORT.

  NEW: SUFFICIENT EVIDENCE MEANS EVIDENCE GATHERED BY AN INVESTIGATION NOT CAUSED BY, OR OTHERWISE PREDICATED ON, THE INDIVIDUAL'S SAFETY-RELATED REPORT. THERE MUST BE SUFFICIENT EVIDENCE TO PROVE THE VIOLATION, OTHER THAN THE INDIVIDUAL'S SAFETY-RELATED REPORT. IN ORDER TO BE CONSIDERED SUFFICIENT EVIDENCE UNDER ASAP, THE ERC MUST DETERMINE THROUGH CONSENSUS THAT THE EVIDENCE (OTHER THAN THE INDIVIDUAL'S SAFETY-RELATED REPORT) WOULD LIKELY HAVE RESULTED IN THE PROCESSING OF A FAA ENFORCEMENT ACTION HAD THE INDIVIDUAL'S SAFETY-RELATED REPORT NOT BEEN ACCEPTED UNDER ASAP. ACCEPTED ASAP REPORTS FOR WHICH THERE IS SUFFICIENT EVIDENCE WILL BE CLOSED WITH ADMINISTRATIVE ACTION.

- **NEW SECTION 9d: NON-REPORTING EMPLOYEES COVERED UNDER AN ASAP MOU:**

  IF AN ASAP REPORT IDENTIFIES ANOTHER COVERED EMPLOYEE OF THE CERTIFICATE HOLDER IN A POSSIBLE VIOLATION, AND THAT EMPLOYEE HAS NEITHER SIGNED THAT REPORT NOR SUBMITTED A SEPARATE REPORT, THE ERC WILL DETERMINE ON A CASE-BY-CASE BASIS WHETHER THAT EMPLOYEE KNEW OR REASONABLY SHOULD HAVE KNOWN ABOUT THE POSSIBLE VIOLATION. IF THE ERC DETERMINES THAT THE EMPLOYEE DID NOT KNOW OR COULD NOT HAVE KNOWN ABOUT THE APPARENT VIOLATION(S), AND THE ORIGINAL REPORT OTHERWISE QUALIFIES FOR INCLUSION UNDER ASAP, THE ERC WILL OFFER THE NON-REPORTING EMPLOYEE THE OPPORTUNITY TO SUBMIT AN ASAP REPORT. IF THE NON-REPORTING EMPLOYEE SUBMITS A REPORT WITHIN 24 HOURS OF NOTIFICATION FROM THE ERC, THAT REPORT WILL BE AFFORDED THE SAME CONSIDERATION UNDER ASAP AS THAT ACCORDED THE REPORT FROM THE ORIGINAL REPORTING EMPLOYEE, PROVIDED ALL OTHER ASAP ACCEPTANCE CRITERIA ARE MET. HOWEVER, IF THE NON-REPORTING EMPLOYEE FAILS TO SUBMIT A REPORT WITHIN 24 HOURS OF NOTIFICATION, THE POSSIBLE VIOLATION BY THAT EMPLOYEE WILL BE REFERRED TO AN APPROPRIATE OFFICE WITHIN THE FAA FOR ADDITIONAL INVESTIGATION AND REEXAMINATION AND/OR ENFORCEMENT ACTION, AS APPROPRIATE, AND FOR REFERRAL TO LAW ENFORCEMENT AUTHORITIES, IF WARRANTED.

- **NEW SECTION 9e: NON-REPORTING EMPLOYEES NOT COVERED UNDER AN ASAP MOU:**

  IF AN ASAP REPORT IDENTIFIES ANOTHER EMPLOYEE OF THE CERTIFICATE HOLDER WHO IS NOT COVERED UNDER THE MOU, AND THE REPORT INDICATES THAT EMPLOYEE MAY HAVE BEEN INVOLVED IN A POSSIBLE VIOLATION, THE ERC WILL DETERMINE ON A CASE-BY-CASE BASIS WHETHER IT WOULD BE APPROPRIATE TO OFFER THAT EMPLOYEE THE OPPORTUNITY TO SUBMIT AN ASAP REPORT. IF THE ERC DETERMINES THAT IT IS APPROPRIATE, THE ERC WILL PROVIDE THAT EMPLOYEE WITH INFORMATION ABOUT ASAP AND INVITE THE EMPLOYEE TO SUBMIT AN ASAP REPORT. IF THE EMPLOYEE SUBMITS AN ASAP REPORT WITHIN 24 HOURS OF NOTIFICATION, THAT REPORT WILL BE COVERED UNDER ASAP, PROVIDED ALL OTHER ASAP ACCEPTANCE CRITERIA ARE MET. IF THE EMPLOYEE FAILS TO SUBMIT AN ASAP REPORT WITHIN 24 HOURS OF NOTIFICATION, THE POSSIBLE VIOLATION BY THAT EMPLOYEE WILL BE REFERRED TO AN APPROPRIATE OFFICE WITHIN THE FAA FOR ADDITIONAL INVESTIGATION AND REEXAMINATION AND/OR ENFORCEMENT ACTION, AS APPROPRIATE, AND FOR REFERRAL TO LAW ENFORCEMENT AGENCIES, IF WARRANTED.

- **SECTION 10 - GUIDELINES FOR EXCLUDING REPORTS FROM ASAP**

  OLD: Parag 10a(3) UNTIMELY REPORTS EXCLUDED UNDER PARAGRAPH 9c, OR REPORTS OF REPEATED VIOLATIONS EXCLUDED UNDER PARAGRAPH 9d, OR REPORTS WHERE CONSENSUS IS NOT REACHED BY THE ERC UNDER PARAGRAPH 9b.

  NEW: Parag 10a(3) UNTIMELY REPORTS EXCLUDED UNDER PARAGRAPH 9b(1) OR REPORTS WHERE A CONSENSUS ON ACCEPTANCE UNDER PARAGRAPH 9 IS NOT REACHED BY THE ERC.

OTHER CHANGES

- **SUBMISSION/ACCEPTANCE/RENEWAL PROCEDURES**
  - **UNCHANGED EXCEPT:**

    (1) IF A PROPOSED MOU DOES NOT EMPLOY THE AUTOMATED TEMPLATE FROM THE FLIGHT STANDARDS SERVICE WEBPAGE, A COMPLETED ASAP CHECLIST SHOULD ACCOMPANY THE CERTIFICATE HOLDER'S SUBMISSION.

    - **ASAP WEBPAGE IS AT HTTP://WWW.FAA.GOV/AVR/AFS**
    - **CHECKLIST IS APPENDIX 2 OF THE REVISED AC**

    (2) FAA REGIONAL HQ SUBMITS PROPOSED MOU TO THE ASAP PROGRAM OFFICE (VOLUNTARY SAFETY PROGRAMS BRANCH, AFS-230, FAA HQ)

    (3) AMENDMENTS TO ACCEPTED MOUS MAY BE ACCEPTED BY CHDO MANAGER WITHOUT REGIONAL HQ & FAA HQ REVIEW ONLY IF THOSE AMENDMENTS EMPLOY THE EXACT LANGUAGE CONTAINED IN THE MOU TEMPLATE, AND AN INFO CY IS PROVIDED TO ASAP PROGRAM OFFICE

OTHER CHANGES

- REVISION CONTROL – THE ORIGINAL AND REVISIONS THERETO SHOULD INCLUDE:

(1) FOR EACH REVISION TO AN ORIGINAL MOU:

-A CHANGE CONTROL PAGE, IDENTIFYING REVISION NUMBER

-A BRIEF SYNOPSIS OF EACH CHANGE

-IDENTIFICATION OF WHICH PAGES ARE REMOVED & REPLACED

(2) A LIST OF EFFECTIVE PAGES

(3) A TABLE OF CONTENTS

(4) CALENDAR DATE OF PREPARATION ON EACH PAGE

(5) REVISION NUMBER ON EACH PAGE

(6) SEQUENTIAL NUMBERING OF ALL PAGES OF THE MOU

OTHER CHANGES

- INTRODUCTION REWORDED TO BETTER EMPHASIZE SAFETY GOALS OF THE PROGRAM
- SOME SECTIONS REFORMATTED TO IMPROVED READABILITY
- GENERAL TONE CHANGED, E.G. “ALLEGED VIOLATION” REPLACED WITH “POSSIBLE NONCOMPLIANCE WITH 14 CFR.”
- EXAMPLES UPDATED TO REFLECT REVISED POLICY
- SAMPLE MOU (APPENDIX 1) REVISED TO REFLECT REVISED POLICY
  - SAMPLE MOU IS ALSO AN EXAMPLE OF THE AUTOMATED TEMPLATE FROM AFS ASAP WEBPAGE
- MOU CHECKLIST ADDED AS APPENDIX 2

OTHER CHANGES

PARAGRAPH 19: ASAP AVIATION RULEMAKING COMMITTEE:

THE ADMINISTRATOR HAS DETERMINED THAT A GOVERNMENT/INDUSTRY FORUM IS NEEDED TO PROVIDE THE FAA WITH ADVICE ON FAA ASAP POLICY AND TO PREPARE RECOMMENDATIONS ON WHETHER RULEMAKING APPLICABLE TO ASAP WOULD OR WOULD NOT BE APPROPRIATE. ACCORDINGLY, AN ASAP AVIATION RULEMAKING COMMITTEE (ARC) WAS ESTABLISHED BY FAA ORDER 1110.129, AVIATION SAFETY ACTION PROGRAM AVIATION RULEMAKING COMMITTEE, ISSUED JUNE 20, 2001, TO SERVE AS A FORUM FOR INTERACTION AMONG THE FAA, INDUSTRY EMPLOYEE GROUPS, AIRLINES, AND REPAIR STATIONS REGARDING ASAP GOALS, ISSUES, AND CONCERNS. THE FAA ORDER STATES THAT THE ASSOCIATE ADMINISTRATOR FOR REGULATION AND CERTIFICATION SHALL HAVE THE SOLE DISCRETION TO APPOINT MEMBERS OF THE COMMITTEE, AND SHALL RECEIVE ALL COMMITTEE RECOMMENDATIONS AND REPORTS. THE ARC SHALL PRESENT WHATEVER INPUT, GUIDANCE, AND RECOMMENDATIONS THAT THE MEMBERS OF THE COMMITTEE CONSIDER RELEVANT TO THE DISPOSITION OF ASAP ISSUES, AND ULTIMATELY TO THE ACHIEVEMENT OF THE PROGRAM'S SAFETY GOALS.

KEY FUNDAMENTAL CONCEPTS THAT REMAIN UNCHANGED

- TO BE ACCEPTED UNDER ASAP, THE ERC MUST DETERMINE THROUGH CONSENSUS THAT APPARENT REGULATORY NONCOMPLIANCE WAS INADVERTENT AND DID NOT APPEAR TO INVOLVE INTENTIONAL DISREGARD FOR SAFETY
- THE FAA WILL NOT USE AN ASAP REPORT AS EVIDENCE FOR ANY PURPOSE IN AN ENFORCEMENT ACTION, EXCEPT FOR THE “BIG 5”
- REPORTED “BIG 5” EVENTS (POSSIBLE CRIMINAL ACTIVITY, SUBSTANCE ABUSE, CONTROLLED SUBSTANCES, ALCOHOL, OR INTENTIONAL FALSIFICATION) WILL BE REFERRED TO AN APPROPRIATE FAA OFFICE FOR FURTHER HANDLING
- NO CHANGE TO VOLUNTARY DISCLOSURE POLICY

QUESTIONS?