

## VOLUME 11 FLIGHT STANDARDS PROGRAMS

### CHAPTER 1 VOLUNTARY DISCLOSURE REPORTING PROGRAM

#### Section 1 Voluntary Disclosure Reporting Program for Air Carriers and Regulated Entities

##### 11-1 PURPOSE.

**A. Overview.** This section specifies the procedures to be employed when a certificate holder, fractional ownership program, (as defined in paragraph 11-4E), or a Production Approval Holder (PAH) operating under Title 14 of the Code of Federal Regulations (14 CFR) voluntarily discloses to the Federal Aviation Administration (FAA) apparent violations of those FAA regulations listed in paragraph 11-2. These procedures can be applied to maintenance, flight operations, anti-drug and alcohol misuse prevention programs, and to the manufacturing functions of a PAH's organization. These procedures cannot be applied for those persons who are required to report failures, malfunctions and defects under 14 CFR part 21 § 21.3 and also for those people who do not submit the reports in the time frame required by the regulation.

**B. Internal Evaluation Programs (IEP).** Certificate holders, fractional ownership programs, and PAHs are encouraged, but not required, to develop IEPs that continually monitor company policies and procedures and ensure that the highest level of safety and security compliance is maintained. They may voluntarily disclose apparent violations of 14 CFR covered by this program in accordance with the procedures in this section even though an IEP has not been established. Guidance for operators on IEPs is contained in the current edition of Advisory Circular (AC) 120-59, Air Carrier Internal Evaluation Programs. Guidance for operators on the Voluntary Disclosure Reporting Program (VDRP) is contained in the current edition of AC 00-58, Voluntary Disclosure Reporting Program.

**C. Guidance.** Varying requirements for select groups of regulated entities require reference to guidance tailored to those groups. To locate appropriate guidance for a given regulated entity, reference must be made to the following paragraphs based on the type of regulated entity submitting the disclosure at, <http://av-info.faa.gov/vdrp> for a list of those regulated entities authorized to utilize the Web-based VDRP.

1) Air carriers certificated under 14 CFR part 119 and operating under 14 CFR parts 121 and 135, see paragraph 11-12, VDRP for Air Carriers.

2) Regulated entities authorized to utilize the Web-based VDRP system who are not air carriers, see paragraph 11-13, VDRP for Regulated Entities, Other than Air Carriers. Those other regulated entities will be listed on the VDRP Home Page at: <http://av-info.faa.gov/vdrp> (no login required).

3) Regulated entities not authorized to utilize the Web-based VDRP, see paragraph 11-14 and its associated subparagraphs.

## 11-2 APPLICABILITY.

**A. Regulations.** The VDRP is applicable to the following regulations: 14 CFR parts 21, 39, 119, 121, 125, 133, 135, 137, 141, 142, 145, 147 and, for fractional ownership programs operating under part 91 subpart K (part 91K), those portions of part 91K pertaining directly to the duties and responsibilities of the program manager, as defined in part 91K or management specifications (MSpecs).

**B. Exceptions.** The VDRP has a history of accepting violations that should not have been handled, or should have been handled under special provisions. The following are instances where VDRP does not apply.

1) Individual Airmen. Except as provided in paragraph 11-8, Separate Actions Against Airmen or Other Individual Agents, VDRP does not apply to violations by individual airmen.

2) Hazardous Materials (hazmat). Voluntary disclosure of violations of Title 49 of the Code of Federal Regulations (49 CFR) part 175, hazmat should be accomplished in accordance with the current edition of AC 121-37, Voluntary Disclosure Reporting Program-Hazardous Materials.

3) Drug and Alcohol. Voluntary disclosure of violations of anti-drug and alcohol misuse prevention program regulations must be reported to the Drug Abatement Division Manager, AAM-800, 800 Independence Avenue S.W., Washington, D.C. 20591 and will be processed in accordance with directions from that office.

**11-3 BACKGROUND.** Civil penalties under the FAA's enforcement program have always been considered a means to promote compliance with the FAA's regulations, not an end in themselves. In addition to the deterrence achieved by the appropriate use of civil penalties, the public interest is also served by positive incentives to promote and achieve compliance. The FAA believes that aviation safety is well served by incentives for certificate holders, fractional ownership programs, and PAHs to identify and correct their own instances of noncompliance and to invest more resources in efforts to preclude their recurrence. The FAA's policy of forgoing civil penalty actions when one of these entities detects violations, promptly 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 of IEPs.

**11-4 KEY TERMS.** The following key terms and phrases are defined to ensure a standard interpretation and understanding of the FAA voluntary disclosure policy.

**A. Evidence.** For the purpose of voluntary disclosure, evidence generally should be in the form of written documentation or reports that support a certificate holder's, fractional ownership programs, or PAH's analysis of the disclosed apparent violation and the resulting elements of the proposed comprehensive fix. Evidence generally comes from the following four elements:

- Documents or manuals reviewed;
- Equipment examined;
- Activities observed; and
- Interview data.

**B. Comprehensive Fix.** A comprehensive fix is an action, or actions, proposed by the certificate holder, fractional ownership program, or PAH and accepted by the principal inspector (PI) to preclude recurrence of the apparent violation that has been voluntarily disclosed under this program. A schedule of the dates and events encompassed by the comprehensive fix must be established and included in a letter of correction.

**C. Satisfactory Fix.** A satisfactory fix is a comprehensive fix, in which all corrective measures have been completed on schedule and are satisfactory to the FAA.

**D. PI.** Under the VDRP, PI refers to the appropriate maintenance, avionics, operations inspector, or other designated FAA official of the program office responsible for oversight of the area of noncompliance involved in the disclosure.

**E. Fractional Ownership Programs.** Fractional ownership programs are defined in part 91K, and associated MSspecs. Participation of fractional ownership programs is limited as follows:

- 1) Only program managers authorized in accordance with part 91K and MSspecs, may participate in the VDRP;
- 2) Voluntary disclosures of apparent violations by a fractional ownership program may only be submitted by the program manager, or an authorized representative; and
- 3) Voluntary disclosures by fractional ownership programs are limited to apparent violations pertaining directly to the duties and responsibilities of the program manager, as defined in part 91K and MSspecs.

**F. Regulated Entity.** A regulated entity is any certificate holder, fractional ownership program, or PAH, authorized to submit voluntary disclosures under the VDRP.

**11-5 VOLUNTARY DISCLOSURE POLICY.** It is FAA policy that open sharing of apparent violations and the cooperative as well as an advisory approach to solving problems will enhance and promote aviation safety. Certificate holders, fractional ownership programs, and PAHs will receive a letter of correction in lieu of civil penalty action for covered instances of noncompliance that are voluntarily disclosed to the FAA in accordance with the procedures set forth in this section.

**A. Evaluating an Apparent Violation.** In evaluating whether an apparent violation is covered by this policy, the responsible inspector will ensure that the following five conditions are met:

- 1) The certificate holder, fractional ownership program, or PAH has notified the FAA of the apparent violation immediately after detecting it and before the agency has learned of it by other means;
- 2) The apparent violation was inadvertent;
- 3) The apparent violation does not indicate a lack, or reasonable question, of qualification of the certificate holder, fractional ownership program, or PAH;
- 4) Immediate action, satisfactory to the FAA, was taken upon discovery to terminate the conduct that resulted in the apparent violation; and
- 5) The certificate holder, fractional ownership program, or PAH has developed or is developing a comprehensive fix and schedule of implementation satisfactory to the FAA. The comprehensive fix includes a followup self-audit to ensure that the action taken corrects the noncompliance. This self-audit is in addition to any audits conducted by the FAA.

**B. Legal Enforcement Action.** Except as specified in the subparagraphs below, the FAA ordinarily will not forgo legal enforcement action if the certificate holder, fractional ownership program, or PAH informs the FAA of the apparent violation during, or in anticipation of, an FAA investigation/inspection or in association with an accident or incident.

1) Exceptions-Aviation Safety Action Program (ASAP) Report. If the FAA has learned of an apparent violation by a certificate holder, fractional ownership program, or PAH from an ASAP report as described in the current edition of AC 120-66, Aviation Safety Action Program (ASAP), a voluntary disclosure can still be accepted by the FAA, even though the FAA has already learned of the violation from the ASAP.

2) Exceptions-Joint Audit. Similarly, if a regulated entity voluntarily agrees to conduct a joint audit (inspection) with the FAA during which an apparent violation is discovered either by the company or FAA members of the audit (inspection) team, the FAA may accept a voluntary disclosure submitted by the company, even though the FAA has already learned of the apparent violation during the course of the joint audit (inspection).

**11-6 REPEATED VIOLATIONS.** If following FAA closure of an investigative package resulting from a voluntary disclosure, the same or similar violations are discovered to have occurred prior to submission of the associated voluntary disclosure, the FAA does not reopen the case unless it determines that the pertinent regulated entity failed to comply with all the elements of the comprehensive fix agreed upon by the FAA and the entity.

**11-7 DISPUTE RESOLUTION.** When disputes occur regarding the acceptance of a proposed comprehensive fix, or a modification to that before the fix is considered satisfactory, the PI and the pertinent regulated entity may request that the issue be resolved at the next level of management within the FAA. This procedure will provide for an independent assessment of the areas in disagreement.

## **11-8 SEPARATE ACTIONS AGAINST AIRMEN OR OTHER INDIVIDUAL AGENTS.**

**A. Criteria for Meeting VDRP Policy.** The voluntary disclosure policy applies to individual airmen or other agents of an employing certificate holder only when all of the following occur:

1) The apparent violation involves a deficiency of the employing entity's practices or procedures that causes the employing certificate holder to be in violation of a covered violation of an FAA regulation, and;

2) The airman or other agent of the employing entity, while acting on behalf of the employing entity, inadvertently violates the FAA's regulations as a direct result of a deficiency of the employing entity that causes the employing entity to be in violation of the regulations. (The voluntary disclosure policy does not apply to the airman or other agent when his or her apparent violation is the result of actions unrelated to the employing entity's deficiency), and;

3) The airman or other agent immediately makes the report of his or her apparent violation to the employing entity, and;

4) The employing certificate holder immediately notifies the FAA of both the airman or other agent's apparent violation and the apparent deficiency in its practice or procedures.

**B. If All Criteria Conditions Are Met.** When all the above conditions are met, a separate Enforcement Investigation Report (EIR) is opened for the individual and closed with no more than administrative action in accordance with the current edition of FAA Order 2150.3, Compliance and Enforcement Program.

**C. If All Criteria Conditions Are Not Met.** If all the above conditions are not met, the PI will review all facts associated with the case and determine what action is appropriate for individual airmen or other agents of the employing entity.

NOTE: This provision does not apply to matters concerning qualifications to hold an airman certificate.

**D. ASAP Report.** Special provisions exist for apparent violations by certificate holders when a voluntary disclosure is made based on information in an ASAP report. In such cases, the FAA may, at its sole discretion, accept the corrective action recommended by an ASAP event review committee (ERC) for an accepted ASAP report as the comprehensive fix for the voluntary disclosure. This is acceptable when the following conditions all apply, even when an apparent employee qualification or competency issue is involved.

1) The FAA determines that the violation is due entirely to the actions of the employee(s) and not to a systematic or procedural deficiency of the company; and

2) The employee completes the corrective action recommended by the ASAP ERC to the satisfaction of the FAA.

**11-9 APPLICABILITY OF THE FREEDOM OF INFORMATION ACT (FOIA) TO SELF-DISCLOSURE RECORDS.** Records submitted to the FAA for review according to the VDRP, including information submitted using the Web-based VDRP system, are protected from release to the public in accordance with the provisions of FAA Order 8000.89, Designation of Voluntary Disclosure Reporting Program (VDRP) Information as Protected from Public Disclosure under 14 CFR Part 193. For that reason, VDRP identifying data, such as the regulated entity's name, identifier, personnel names, etc. should not be entered into PTRS records or other public records at any time.

**11-10 REPEATED VIOLATIONS.** If a repeated violation occurs, notwithstanding the fact that a comprehensive fix was satisfactorily completed and followed, the procedures outlined in this section may apply to the disclosure of the repeated violation. Upon consideration of the facts and circumstances surrounding the repeated violation, the FAA will determine on a case-by-case basis whether a repeated violation will be covered under this policy. Regulated entities and PIs are encouraged to evaluate the systemic issues and circumstances surrounding each apparent violation. This is particularly important when citing a common regulation. Depending upon the specific circumstances associated with the event, citations of a common regulation may not necessarily be indicative of a common systemic failure.

#### **11-11 REGIONAL FLIGHT STANDARDS DIVISION (RFSD) RESPONSIBILITIES.**

**A. Web-Based Disclosure Reviews.** RFSD 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. These Regional Office (RO) reviews must be accomplished on at least a quarterly basis in order to verify compliance with the voluntary disclosure policies specified in this chapter.

**B. Legacy Paper-Based Disclosure Reviews.** RFSD managers must assure the conduct of regional division level reviews of voluntary disclosures submitted via the legacy (paper-based) system in accordance with the applicable RO review process.

**11-12 VDRP FOR AIR CARRIERS.** Effective December 8, 2006, voluntary disclosures by air carriers must be processed utilizing the previously referenced Internet application, even if initial notification to the FAA is accomplished by other means. This Web-based application offers an automated interface for air carriers and FAA inspectors to accomplish the voluntary disclosure process virtually paper-free. In addition, the Web-based VDRP, accessed at <http://avin.fo.faa.gov/vdrp>, provides enhanced capabilities for tracking and managing voluntary disclosures, while protecting all submissions in accordance with the provisions of part 193 and Order 8000.89.

NOTE: This revision incorporates guidance issued in Notice N 8900.39, Requiring Appropriate 14 CFR Part 119 Corporate Officer and FAA Office Manager Signatures for Voluntary Disclosure Reporting Program (VDRP), on May 1, 2008, requiring corporate official and FAA office manager signatures for all voluntary disclosures submitted by air carriers certificated under part 119 for operations under part 121 or part 135.

**A. Access to the Web-Based System.** Access to the Web-based system requires assignment of login identification and a password, which are obtained via the following means.

1) Air Carrier Representatives. Users named by an air carrier to represent the company on voluntary disclosure issues, will be added to the VDRP Web-based system by a PI assigned certificate responsibilities for that air carrier. Each authorized representative will be issued a unique login identification and password for access to the system. Refer to VDRP User Guide at <https://av-info.faa.gov/VDRP/UserGuide.pdf> or, contact VDRP Help Desk at 866-285-4942 for additional information.

2) FAA Personnel Access. FAA personnel may obtain access to the system via one of the following means:

- PI's are automatically added to the VDRP system when the automated Operations Safety System (OPSS) recognizes the individual as a PI assigned to that air carrier or;
- FAA personnel not assigned as a PI who require access to the system will be added to the system by a PI, utilizing the "Add User" functionality.

**B. System User Guidance and Support.** The VDRP system guidance and user guide for the Web-based system may be accessed or downloaded from <https://avinfo.faa.gov/VDRP/UserGuide.pdf>. Additional assistance may be obtained via telephone from the VDRP Help Desk:

- Hours of operation: 6:00 a.m. to 5:00 p.m. CST Monday through Friday.
- Telephone numbers: Toll-free at 866-285-4942 or at 405-954-7272.
- E-mail address: 9-AMC-AVS-Support-Central@faa.gov.

**C. General Web-Based System Information.** The Web-based VDRP is accessible anywhere with an Internet connection, on a 24-hour, 7-day-a-week basis, subject to access privileges granted in accordance with subparagraph 11-12A.

1) Internal tracking and email alerts simplify management of voluntary self-disclosures.

2) Online data entry provides a streamlined and automated VDRP process.

- No software to download or install; and
- It is secure, only authenticated users can access the Web-based VDRP system. All transactions are encrypted using 128-bit Secure Socket Layer (SSL) technology.

**D. User Responsibilities.**

1) Air Carrier. An air carrier is responsible for submitting the voluntary disclosure, completing the written report, and implementing corrective actions satisfactory to the PI.

2) FAA Inspectors. A PI, or his or her designee, is assigned to a voluntary disclosure. The assigned inspector is responsible for reviewing and accepting (or declining)

submissions from the air carrier (i.e., initial notification, written report and any revisions to the written report/corrective actions). In addition, the PI will issue a letter of correction (or other administrative action, as appropriate), while confirming implementation of the corrective actions agreed upon with the air carrier. The PI will close the VDRP file upon satisfactory implementation of the corrective action(s), or open an enforcement investigation if the air carrier should fail to implement the corrective action as detailed in the letter of correction.

#### **E. User Login.**

- 1) FAA Inspector. Login information will be provided via internal channels.
- 2) Air Carrier. Contact your FAA certificate-holding district office (CHDO) to obtain access information.

**F. User Support.** The VDRP system provides context sensitive help for every web form of the application. Online help is available within the Web-based application. In addition, the VDRP Users Guide contains detailed explanation of the VDRP web application, descriptions of VDRP terms, functions and features of VDRP. This is available at the VDRP Web site.

**G. The Six Stages of the VDRP for Air Carriers.** The Web-based VDRP employs a six stage process. Responsibility for each stage is assigned to either the air carrier or the FAA, as described below.

1) Stage 1: Notification to FAA of an Apparent Violation. Except as specified below, the voluntary disclosure policy applies only when notification of an apparent violation is made to the FAA by the certificate holder, immediately after the apparent violation has been discovered by that air carrier, and before the FAA learns of the apparent violation by some other means.

a) Notification of a disclosure to FAA will normally be made via the Web-based system, unless extenuating circumstances prevent initial notification using that venue. The Web-based VDRP system contains provisions for indicating that the notification process was initiated utilizing another form of media. When acceptable to the PI, initial notice of a voluntary disclosure may be submitted orally, via a written hardcopy, or by electronic copy; provided, the air carrier enters the initial notification data via the Web-based VDRP system within 72 hours of the original notification. Compliance with the 10- (or 30-) day limit for submission of the written report will be based on the date of the original notification, regardless of the submission means or media.

b) When the certificate holder notifies FAA of an apparent violation, contact must be made with, or directed to, the appropriate PI. The notification requirement is automatically met when the disclosure is submitted via the Web-based VDRP system as all PIs for that certificate are notified when a disclosure is submitted. However, if the certificate holder submits the initial notification via alternative media, as authorized in subparagraph 11-12G1)a), the disclosure must be submitted to the appropriate PI. It is FAA's policy that initial notification should be accomplished on a timely basis, ordinarily within 24 hours of the discovery of the apparent violation. However, an inspector may accept disclosures that exceed the 24-hour policy

when the inspector determines that a later submission is justified based on the specific circumstances, and in view of those circumstances, the submission is still considered timely. For example, a voluntary disclosure based on a company violation revealed in an ASAP report may require more than 24 hours from the submission of that ASAP report in order for the responsible company entity to become aware of the information in the report and to initiate a voluntary disclosure. The FAA retains sole discretion in determining whether a voluntary disclosure received later than 24 hours after discovery of the violation is timely. The certificate holder should therefore not delay notification for any reason, and should address, to the maximum extent possible, the following items with the PI:

1. A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered.
2. Verification that noncompliance ceased after it was identified.
3. A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation, and the person responsible for taking the immediate action.
4. Verification that an evaluation is underway to determine:
  - If there are any systemic problems; and,
  - The corrective steps necessary to prevent the apparent violation from recurring.
5. Identification of the person responsible for preparing the comprehensive fix.
6. Acknowledgment that a detailed written report will be provided to the PI within 10 working-days. (Note: If a proposed comprehensive fix is not fully developed within 10 working-days, the air carrier should provide at least an overview of its comprehensive fix plans in a written report submitted within 10 working-days after the initial notification was made. In any event, a detailed description of the comprehensive fix should be submitted within 30 calendar-days after initial notification.)
7. The initial notification of a voluntary disclosure must be submitted by one of the management officials specified in 14 CFR part 119, §§ 119.65 or 119.69, as appropriate. In addition, the initial notification can be submitted by an employee authorized by the airline to accomplish initial notification so long as that employee includes a letter signed by one of the management officials specified in §§ 119.65 or 119.69, as appropriate. That letter must stipulate that:
  - The corporate official is aware of the disclosure;
  - The company took immediate action to cease the violation; and
  - The company will develop a proposed comprehensive fix for FAA consideration to prevent future reoccurrences of the violation.

NOTE: The Web-based VDRP allows upload of documents (photos, text documents, letters, etc.) by the air carrier at Stage I and Stage III and upload by the FAA in Stages II, IV, V and VI, to enable the attachment of whatever documents may be required to support their submissions.

2) Stage II: FAA Response to Certificate Holder (Air Carrier). The PI will review the Web-based submission from the air carrier and respond in a timely manner. If the original submission from the air carrier was made via an alternative media (e.g., telephone, fax, etc.), the PI may respond via an alternative means, but must also respond to the subsequent Web-based submission by the air carrier.

a) The PI's review of the disclosure will, to the extent possible, and based on available information confirm that the submission meets the following requirements:

1. The air carrier has notified the FAA of the apparent violation immediately after detecting it and before the Agency has learned of it by other means.
2. The apparent violation was inadvertent.
3. The apparent violation does not indicate a lack, or reasonable question, of qualification of the air carrier.
4. Immediate action, satisfactory to the FAA, was taken upon discovery to terminate the conduct that resulted in the apparent violation.
5. The air carrier certificate has developed, or is developing, a comprehensive fix and schedule of implementation satisfactory to the FAA. The comprehensive fix includes a followup self-audit to ensure that the action taken corrects the noncompliance. This self-audit is in addition to any audits conducted by the FAA.
6. The initial notification of a voluntary disclosure was submitted by one of the management officials specified in §§ 119.65 or 119.69, as appropriate. Or, the initial notification was submitted by an employee authorized by the airline to accomplish initial notification and includes a letter signed by one of the management officials specified in §§ 119.65 or 119.69, as appropriate. That letter must stipulate that:

- The corporate official is aware of the disclosure;
- The company took immediate action to cease the violation; and
- Acknowledgement that the company has developed or is developing a proposed comprehensive fix for FAA consideration to prevent future reoccurrences of the violation.

NOTE: The determination to accept or reject the voluntary disclosure is to be made on the basis of the information required to be presented by the air carrier (as noted in subparagraphs 11-12G1)b)1-7) and any other information known to the FAA at that time. Acceptance of the voluntary disclosure at this stage is not a final determination of acceptability under VDRP. Should subsequent investigation

reveal the disclosure fails to meet the requirements set forth in subparagraphs G2)a)1-6 or, it is determined that a violation did not occur, the case may be rescinded and enforcement action taken if appropriate. If the CHDO has sufficient evidence, independent of the materials provided by the air carrier as part of its submission under VDRP, to proceed with enforcement action, enforcement action will be initiated in accordance with the procedures set forth in the current edition of Order 2150.3. Inspectors should be aware that rescinding the case in the Web-based system also closes the VDRP record in Enforcement Information System (EIS) with a “No Action” code. However, such closure of the VDRP record does not preclude the inspector from opening an enforcement investigation and proceeding with enforcement action.

b) Once the PI completes the review and makes a determination to accept or reject the voluntary disclosure, the PI will complete the required VDRP entries for Stage II and submit his or her input via the Web-based system. Upon submission by the PI, the VDRP system will alert the office manager via email, that the file is awaiting his or her review.

c) Office manager review of PI determination to accept or reject the voluntary disclosure.

1. If the office manager indicates concurrence with the PI’s determination and selects, “Submit”, Stage II is concluded and the record will advance into Stage III, which triggers automated notification to the air carrier of the acceptance and opening of the EIR, including automated assignment of an EIR number to the report.

2. If the office manager indicates nonconcurrence with the PI’s recommendation, the case will be referred back to the PI for reconsideration with whatever comments have been entered by the office manager. The case will not advance to Stage III nor will it be closed as an invalid submission until the office manager submits concurrence with the PI’s determination.

NOTE: If, at any time subsequent to acceptance of the disclosure, the FAA becomes aware that the disclosure did not meet the requirements set forth for acceptance under the VDRP, the acceptance may be withdrawn. In such cases, as well in those cases where it is subsequently determined that a violation did not occur, the Web-based system provides the option of “rescinding” a case, which closes it without action within the VDRP. If the CHDO has sufficient evidence, independent of the materials provided by the air carrier as part of its submission under VDRP, to proceed with enforcement action, enforcement action should be initiated in accordance with the procedures set forth in Order 2150.3.

3) Stage III: Written Report of the Air Carrier's Apparent Violation. The written report should be submitted by the air carrier, to the PI, via the Web-based VDRP system, within 10 working-days. This report must contain a detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the fix. If a proposed comprehensive fix is not fully developed within 10 working-days, the pertinent regulated entity should provide at least an overview of its comprehensive fix plans in a written report submitted within 10 working-days after the initial notification was made. In any event, a detailed description of the comprehensive fix should be submitted within 30 calendar-days after initial notification.

a) The VDRP Web-based system requires the input of the following information:

1. A list of the specific FAA regulations that may have been violated.
2. A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected.
3. A description of the immediate action taken to terminate the conduct that resulted in the apparent violation, including when it was taken, and who was responsible for taking the action.
4. An explanation that shows the apparent violation was inadvertent.
5. Evidence that demonstrates the seriousness of the apparent violation and the air carrier's analysis of that evidence.
6. Completion of a Risk Assessment Matrix to aid in evaluating the significance of the event.
7. A detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the comprehensive fix, including a self audit following implementation of the corrective action(s).
8. Identification of the company official(s) responsible for monitoring the implementation and completion of the comprehensive fix.

4) Stage IV: Written Report Review by the FAA. The FAA works with the certificate holder to ensure that the air carrier has identified any root causes and systemic issues which led to the apparent violation. In this stage, the PI is also tasked with completing a Risk Assessment Matrix to aid in evaluating the significance of the event and the proposed comprehensive fix. This collaboration helps to ensure that the corrective actions contained in the comprehensive fix are acceptable to the FAA.

NOTE: Should investigation of the apparent violation result in the determination that no violation has occurred, the EIR may be closed by rescinding the file and providing an explanation in the provided comment box. When submitted, the user is provided a warning that submitting this action (rescinding the file) will close

the case and terminate the investigation. If the inspector confirms the rescission, the case is closed in VDRP that date and will be closed in the EIS 10 days later, with the original date of closure recorded in EIS. The 10-day delay is provided to enable the FAA to re-open the file within that 10-day “window” if deemed necessary.

5) Stage V: Implementation of a Comprehensive Fix and FAA Surveillance.

a) During the implementation period, the FAA and the pertinent air carrier should continue to work together. The FAA may advise and assist the entity in correcting any identified systemic problems. Changes will be made to the proposed comprehensive fix when the need is identified. Upon determining that the initial implementation of the proposed comprehensive fix is satisfactory, the PI may issue a letter of correction in Stage V. Alternatively, the PI may elect instead to issue the letter of correction in Stage VI, if deemed appropriate. If the letter of correction is issued in Stage V, and subsequent changes are made to the comprehensive fix, the PI will issue and upload a revised letter of correction in Stage VI which reflects the letter of correction as implemented.

b) The FAA monitors the implementation of the corrective steps. Throughout the implementation period, the FAA assesses the pertinent air carrier’s corrective efforts and top management’s awareness of these efforts. If, during this period, the FAA determines that the steps taken by the air carrier are not those documented in the comprehensive fix and acceptable corrective action by the air carrier is not forthcoming, the letter of correction may be rescinded, and appropriate legal enforcement action initiated.

6) Stage VI: Inspector Sign-off. At the conclusion of the implementation period, the PI and the certificate-holding office manager will make a final assessment. Consultation with regional specialists, legal counsel, or other FAA personnel may be accomplished when deemed appropriate by the PI or the office manager.

a) If all elements of the comprehensive fix have been satisfactorily accomplished, including the followup self audit by the air carrier, the PI will enter the required data and submit the entries required for Stage VI completion.

b) Upon Stage VI submission by the PI, the VDRP system will alert the office manager via email, that the file is awaiting the manager’s review. The office manager will then log into the VDRP system, review the VDRP file and assess the adequacy of the comprehensive fix and its implementation. The office manager will make a determination as to whether the implementation of the comprehensive fix was satisfactorily accomplished.

1. If the office manager concurs with the PI’s determination, Stage VI is concluded upon the manager’s concurrence submission, and the VDRP system will automatically generate Form 2150-5, Self Disclosure Worksheet and close the associated EIR record in the EIS.

2. If the office manager does not concur with the PI’s recommendation, the case will be referred back to the PI for reconsideration with whatever comments have been

entered by the office manager. The case will not advance out of Stage VI until resubmitted by the PI and the office manager submits concurrence with the PI's determination.

NOTE: If, following FAA closure of the investigative package resulting from a voluntary disclosure, the same or similar violations are discovered to have occurred prior to submission of the associated voluntary disclosure, the FAA does not reopen the case unless it determines that the pertinent air carrier failed to comply with all the elements of the comprehensive fix agreed upon by the FAA and the entity.

c) Once, the case is closed in VDRP, the case will close in EIS 10 days later, with the original date of closure recorded in EIS. The 10-day delay is provided to enable the FAA to re-open the file within that 10-day "window" if deemed necessary.

**11-13 VDRP FOR REGULATED ENTITIES, OTHER THAN AIR CARRIERS.** This section is directed to those regulated entities, other than air carriers, which are required to utilize the Web-based VDRP system. Currently, the VDRP system is in the process of being incrementally modified to enable its use by such additional regulated entities. In order to review a list of regulated entities, other than air carriers, currently required to utilize the Web-based VDRP system see <https://av-info.faa.gov/vdrp>; no login required to access this list.

**A. Access to the Web-Based VDRP System by a Regulated Entity, Other Than Air Carrier Representatives.** Access by regulated entity representatives to the Web-based system requires FAA assignment of login identification and a password, which are obtained by the following means.

1) Regulated Entity Representative Access. Users named by the regulated entity to represent the company on voluntary disclosure issues, will be added to the VDRP Web-based system by a PI assigned certificate responsibilities for that regulated entity. Each authorized representative will be issued a unique login identification and password for access to the system. Refer to VDRP User Guide at <https://av-info.faa.gov/VDRP/UserGuide.pdf> or, contact VDRP Help Desk at (866) 285-4942 for additional information.

2) FAA Personnel Access. FAA personal may obtain access to the system via one of the following means.

- PI's are automatically added to the VDRP system when the OPSS recognizes the individual as a PI assigned to that regulated entity. or;
- FAA personnel not assigned as a PI who require access to the system will be added to the system by a PI, utilizing the "Add User" functionality.

**B. System Guidance and Support.** The VDRP system guidance and user guide for the Web-based system may be accessed or downloaded from <https://avinfo.faa.gov/VDRP/UserGuide.pdf>. Context sensitive help is available within the web-based application itself. Additional assistance may be obtained via telephone from the VDRP Help Desk:

- Hours of operation: 6:00 a.m.-5:00 p.m. CST Monday through Friday;

- Telephone numbers: Toll-free at -866-285-4942 or at 405-954-7272; and
- E-mail address: 9-AMC-AVS-Support-Central@faa.gov.

**C. General Web-based VDRP System Information.** The Web-based VDRP is accessible anywhere with an Internet connection, on a 24-hour, 7-day-a-week basis, subject to access privileges granted in accordance with subparagraph 11-13A.

- 1) Internal tracking and email alerts simplify management of voluntary self-disclosures.
- 2) Online data entry provides a streamlined and automated VDRP process.
  - No software to download or install; and
  - It is secure, only authenticated users can access the Web-based VDRP system. All transactions are encrypted using 128 bit SSL technology.

#### **D. User Responsibilities.**

- 1) Regulated Entities. A regulated entity is responsible for submitting the voluntary disclosure, completing the written report, and implementing corrective actions satisfactory to the PI.
- 2) FAA Inspectors. A PI, or his or her designee, is assigned to a voluntary disclosure. The assigned inspector is responsible for reviewing and accepting (or declining) submissions from the regulated entity (i.e., initial notification, written report and any revisions to the written report/corrective actions). In addition, the PI will issue a letter of correction (or other administrative action, as appropriate), while confirming implementation of the corrective actions agreed upon with the regulated entity. The PI will close the VDRP file upon satisfactory implementation of the corrective action(s), or open an enforcement investigation if the regulated entity should fail to implement the corrective action as detailed in the letter of correction.

#### **E. User Login.**

- 1) FAA Inspector. Login information will be provided via internal channels.
- 2) Regulated Entity. Contact your FAA CHDO to obtain access information.

**F. The Six Stages of the VDRP for Regulated Entities Other Than Air Carriers.** The Web-based VDRP employs a six stage process. Responsibility for each such stage is assigned either to the regulated entity or the FAA, as described below.

- 1) Stage I: Notification to FAA of an Apparent Violation. Those regulated entities to which this section applies are required to utilize the Web-based VDRP system for submitting voluntary disclosures to the FAA. Except as specified below, the voluntary disclosure policy applies only when notification of an apparent violation is made to the FAA by the regulated entity immediately after the apparent violation has been discovered by that regulated entity, and before the FAA learns of the apparent violation by some other means.

a) Notification of a disclosure to FAA will normally be made via the Web-based VDRP system unless extenuating circumstances prevent initial notification using that venue. The Web-based VDRP system contains provisions for indicating that the notification process was begun via another media. When acceptable to the PI, initial notice by an authorized user of the Web-based VDRP may be submitted orally, via a written hardcopy, or by electronic copy; provided, the regulated entity enters the initial notification data via the Web-based VDRP system within 72 hours of the original notification. However, compliance with the 10- (or 30-) day limit for submission of the written report will be based on the date of the original notification, regardless of the submission means or media.

b) When a regulated entity notifies FAA of an apparent violation, contact must be made with, or directed to, the appropriate PI. This requirement is automatically met by submission of the voluntary disclosure via the Web-based system. No further action is required when utilizing the Web-based system). However, if the certificate holder submits the initial notification by alternative means, as authorized in subparagraph 11-13F1)a), the disclosure must be submitted to the appropriate PI. It is FAA's policy that initial notification should be accomplished on a timely basis, ordinarily within 24 hours of the discovery of the apparent violation. However, an inspector may accept disclosures that exceed the 24-hour policy when the inspector determines that a later submission is justified based on the specific circumstances, and in view of those circumstances, the submission is still considered timely. For example, a voluntary disclosure based on a company violation revealed in an ASAP report may require more than 24 hours from the submission of that ASAP report in order for the responsible company entity to become aware of the information in the report and to initiate a voluntary disclosure. The FAA retains sole discretion in determining whether a voluntary disclosure received later than 24 hours after discovery of the violation is timely. The regulated entity should therefore not delay notification for any reason, and should address, to the maximum extent possible, the following items with the PI:

1. A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered.
2. Verification that noncompliance ceased after it was identified.
3. A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation, and the person responsible for taking the immediate action.
4. Verification that an evaluation is underway to determine:
  - If there are any systemic problems; and,
  - The corrective steps necessary to prevent the apparent violation from recurring.
5. Identification of the person responsible for preparing the comprehensive

fix.

6. Acknowledgment that a detailed written report will be provided to the PI within 10 working-days. (Note: If a proposed comprehensive fix is not fully developed within 10 working-days, the regulated entity should provide at least an overview of its comprehensive fix plans in a written report submitted within 10 working-days after the initial notification was made. In any event, a detailed description of the comprehensive fix should be submitted within 30 calendar-days after initial notification.)

NOTE: The Web-based VDRP allows upload of documents (photos, text documents, etc.) by the regulated entity at Stage I and Stage III and by the FAA at Stages II, IV, V and VI.

2) Stage II: FAA Response to the Regulated Entity. The PI will review the Web-based submission from the regulated entity and respond in a timely manner. If the original submission from the regulated entity was made via an alternative media (e.g., telephone, fax, etc.), the PI may respond via an alternative means, but must also respond to the subsequent Web-based submission by the regulated entity.

a) The PI's review of the disclosure will, to the extent possible, confirm the submission meets the following requirements:

1. The regulated entity has notified the FAA of the apparent violation immediately after detecting it and before the Agency has learned of it by other means.

2. The apparent violation was inadvertent.

3. The apparent violation does not indicate a lack, or reasonable question, of qualification of the regulated entity.

4. Immediate action, satisfactory to the FAA, was taken upon discovery to terminate the conduct that resulted in the apparent violation.

5. The regulated entity has developed, or is developing, a comprehensive fix and schedule of implementation satisfactory to the FAA. The comprehensive fix includes a followup self-audit to ensure that the action taken corrects the noncompliance. This self-audit is in addition to any audits conducted by the FAA.

b) Once the PI completes the review and makes a determination to accept or reject the voluntary disclosure, the PI will complete the required VDRP entries for Stage II and submit his or her input via the Web-based system.

c) If the disclosure is accepted by the PI, the VDRP system will automatically notify the regulated entity via email and assign an EIR number to the file. The PI is also provided with the option to return the notification to the regulated entity for additional editing or to reject the disclosure as being invalid. A voluntary disclosure is found to be invalid when the PI determines the disclosure fails to meet the requirements set forth for acceptance under the VDRP. In all cases, the regulated entity receives email notice of the determination by the PI.

NOTE: The determination to accept or reject the voluntary disclosure is to be made on the basis of the information required to be presented by the air carrier (as noted in subparagraphs 11-13F1)b)1-6) and any other information known to the FAA at that time. Acceptance of the voluntary disclosure at this stage is not a final determination of acceptability under VDRP. Should subsequent investigation reveal the disclosure fails to meet the requirements set forth in subparagraphs 11-13F2)a)1-5 or, it is determined that a violation did not occur, the case may be rescinded and enforcement action taken if appropriate. If the CHDO has sufficient evidence, independent of the materials provided by the air carrier as part of its submission under VDRP, to proceed with enforcement action, enforcement action will be initiated in accordance with the procedures set forth in the current edition of Order 2150.3. Inspectors should be aware that rescinding the case in the web-based system also closes the VDRP record in EIS with a “No Action” code. However, such closure of the VDRP record does not preclude the inspector from opening an enforcement investigation and proceeding with Enforcement action.

3) Stage III: Written Report of the Regulated Entity’s Apparent Violation. The written report should be submitted by the regulated entity to the PI, via the Web-based VDRP system, within 10 working-days. This report must contain a detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, a time schedule for completion of the fix, and including scheduling of the self-audit following completion of the comprehensive fix. If a proposed comprehensive fix is not fully developed within 10 working-days, the pertinent regulated entity should provide at least an overview of its comprehensive fix plans in a written report submitted within 10 working-days after the initial notification was made. In any event, a detailed description of the comprehensive fix should be submitted within 30 calendar-days after initial notification.

- a) The VDRP Web-based system requires the input of the following information:
1. A list of the specific FAA regulations that may have been violated.
  2. A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected.
  3. A description of the immediate action taken to terminate the conduct that resulted in the apparent violation, including when it was taken, and who was responsible for taking the action.
  4. An explanation that shows the apparent violation was inadvertent.
  5. Evidence that demonstrates the seriousness of the apparent violation and the regulated entity’s analysis of that evidence.
  6. Completion of a Risk Assessment Matrix to aid in evaluating the significance of the event.

7. A detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the fix to include a self audit following implementation.

8. Identification of the company official(s) responsible for monitoring the implementation and completion of the comprehensive fix and self-audit.

4) Stage IV: Written Report Review by the FAA. The FAA works with the regulated entity to ensure it has identified any root causes and systemic issues which led to the apparent violation. This collaboration helps to ensure that the corrective actions contained in the comprehensive fix are acceptable to the FAA. In this stage, the PI is also tasked with completing a Risk Assessment Matrix to aid in evaluating the significance of the event and the proposed comprehensive fix.

NOTE: Should investigation of the apparent violation result in the determination that no violation has occurred, the EIR may be closed by rescinding the file and providing an explanation in the provided comment box. When submitted, the user is provided a warning that submitting this action (rescinding the file) will close the case and terminate the investigation. If the inspector confirms the rescission, the case is closed in VDRP that date and will close in EIS 10 days later, with the original date of closure recorded in EIS. The 10-day delay is provided to enable the FAA to re-open the file within that 10-day "window" if deemed necessary.

5) Stage V: Implementation of a Comprehensive Fix and FAA Surveillance.

a) During the implementation period, the FAA and the pertinent regulated entity should continue to work together. The FAA may advise and assist the entity in correcting any identified systemic problems. Changes will be made to the proposed comprehensive fix when the need is identified. Upon determining that the initial implementation of the proposed comprehensive fix is satisfactory, the PI may issue a letter of correction in Stage V. The PI may elect to issue the letter of correction in Stage VI if deemed appropriate. If the letter of correction is issued in Stage V, and subsequent changes are made to the comprehensive fix, the PI will issue and upload a revised letter of correction in Stage VI which reflects the letter of correction as implemented.

b) The FAA monitors the implementation of the corrective steps. Throughout the implementation period, the FAA assesses the pertinent regulated entity's corrective efforts and top management's awareness of these efforts. If, during this period, the FAA determines that the steps taken by the entity are not those documented in the comprehensive fix and acceptable corrective action by the regulated entity is not forthcoming, the letter of correction may be rescinded, and appropriate legal enforcement action initiated.

6) Stage VI: Inspector Sign-Off. At the conclusion of the implementation period, the PI makes a final assessment. If all elements of the comprehensive fix, including satisfactory completion of the self-audit, have been adequately accomplished, the PI finds the fix satisfactory and closes the case. The case remains subject to rescission and initiation of appropriate legal

enforcement action in the event that the agreed-upon actions, outlined in the comprehensive fix, are not completed to the satisfaction of the FAA.

a) The PI has the authority to close the case. Consultation with regional specialists, legal counsel, or other FAA personnel may be accomplished when deemed appropriate by the PI.

NOTE: If, following FAA closure of the investigative package resulting from a voluntary disclosure, the same or similar violations are discovered to have occurred prior to submission of the associated voluntary disclosure, the FAA does not reopen the case unless it determines that the pertinent regulated entity failed to comply with all the elements of the comprehensive fix agreed upon by the FAA and the entity.

b) Once the case is closed in VDRP, the case will close in EIS 10 days later, with the original date of closure recorded in EIS. The 10 day delay is provided to enable the FAA to reopen the file within that 10-day “window” if deemed necessary.

#### **11-14 VDRP FOR REGULATED ENTITIES NOT AUTHORIZED TO UTILIZE THE WEB-BASED VDRP SYSTEM.**

**A. Applicability.** All regulated entities which are authorized to participate in the VDRP, but are *not* authorized to utilize the VDRP Web-based system will utilize the guidance contained in this section for submission of voluntary disclosures to the FAA. A list of those regulated entities which are authorized to use the Web-based system may be found at <https://av-info.faa.gov/vdrp>.

**B. The Six Stages of the VDRP for Regulated Entities Not Authorized to Use the Web-Based VDRP System.** Voluntary disclosure accomplished under this section employ a six stage process, as described below.

1) Stage 1: Notification to the FAA of an Apparent Violation. Except as specified below, the voluntary disclosure policy applies only when notification of an apparent violation is made to the FAA by a regulated entity, immediately after the apparent violation has been discovered by that regulated entity, and before the FAA learns of the apparent violation by some other means. When acceptable to the PI, initial notice of a voluntary disclosure may be submitted orally, via written hardcopy, or by electronic means. When the regulated entity notifies the FAA of an apparent violation, contact must be made with, or directed to, the appropriate PI. It is FAA policy that initial notification should be accomplished on a timely basis, ordinarily within 24 hours of the discovery of the apparent violation. However, an inspector may accept disclosures that exceed the 24-hour policy when the inspector determines that a later submission is justified based on the specific circumstances, and in view of those circumstances, the submission is still considered timely. For example, a voluntary disclosure based on a company violation revealed in an ASAP report may require more than 24 hours from the submission of that ASAP report in order for the responsible company entity to become aware of the information in the report and to initiate a voluntary disclosure. The FAA retains sole discretion in determining whether a voluntary disclosure received later than 24 hours after discovery of the violation is

timely. The certificate holder should therefore not delay notification for any reason, and should address, to the maximum extent possible, the following items with the PI:

- a) A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered.
- b) Verification that noncompliance ceased after it was identified.
- c) A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation, and the person responsible for taking the immediate action.
- d) Verification that an evaluation is underway to determine:
  - If there are any systemic problems; and
  - The corrective steps necessary to prevent the apparent violation from recurring.
- e) Identification of the person responsible for preparing the comprehensive fix.
- f) Acknowledgment that a detailed written report will be provided to the PI within 10 working-days. If a proposed comprehensive fix is not fully developed within 10 working-days, the regulated entity should provide at least an overview of its comprehensive fix plans in a written report submitted within 10 working-days after the initial notification was made. In any event, a detailed description of the comprehensive fix should be submitted within 30 calendar-days after initial notification.

NOTE: Exceptions. If the FAA has learned of an apparent violation by a certificate holder, fractional ownership program, or PAH from an ASAP report as described in AC 120-66, a voluntary disclosure can still be accepted by the FAA, even though the FAA has already learned of the violation from the ASAP. Similarly, if a regulated entity voluntarily agrees to conduct a joint audit (inspection) with the FAA during which an apparent violation is discovered either by the company or FAA members of the audit (inspection) team, the FAA may accept a voluntary disclosure submitted by the company, even though the FAA has already learned of the apparent violation during the course of the joint audit (inspection).

2) Stage II: FAA Response to a Certificate Holder. The PI responds with a written acknowledgment of the entity's initial notification. This acknowledgment includes the request for a written report and is sent in lieu of a letter of investigation, provided the written report is completed in accordance with the voluntary disclosure reporting procedures set forth in this section. The PI will open an EIR that will be closed out with a letter of correction following satisfactory development and implementation of a comprehensive fix as provided by schedule of implementation agreed upon by the FAA and the entity.

- a) The PI's review of the disclosure will, to the extent possible, confirm the submission meets the following requirements:
  - b) The air carrier has notified the FAA of the apparent violation immediately after detecting it and before the Agency has learned of it by other means.
  - c) The apparent violation was inadvertent.
  - d) The apparent violation does not indicate a lack, or reasonable question, of qualification of the air carrier.
  - e) Immediate action, satisfactory to the FAA, was taken upon discovery to terminate the conduct that resulted in the apparent violation.
  - f) The air carrier certificate has developed, or is developing, a comprehensive fix and schedule of implementation satisfactory to the FAA. The comprehensive fix includes a followup self-audit to ensure that the action taken corrects the noncompliance. This self-audit is in addition to any audits conducted by the FAA.

NOTE: The determination to accept or reject the voluntary disclosure is to be made on the basis of the information required to be presented by the air carrier (as noted in subparagraphs 11-14B1)a–f)) and any other information known to the FAA at that time. Acceptance of the voluntary disclosure at this stage is not a final determination of acceptability under VDRP. Should subsequent investigation reveal the disclosure fails to meet the requirements set forth in subparagraphs 11-14B2)a–f) or, it is determined that a violation did not occur, the case may be rescinded and enforcement action taken if appropriate. If the CHDO has sufficient evidence, independent of the materials provided by the air carrier as part of its submission under VDRP, to proceed with enforcement action, enforcement action will be initiated in accordance with the procedures set forth in the current edition of Order 2150.3. Inspectors should be aware that rescinding the case in the web-based system also closes the VDRP record in EIS with a “No Action” code. However, such closure of the VDRP record does not preclude the inspector from opening an enforcement investigation and proceeding with Enforcement action.

3) Stage III: Written Report of the Regulated Entity's Apparent Violation. A written report should be provided by the regulated entity to the PI within 10 working-days after the initial notification was made. This report must contain a detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the fix. If a proposed comprehensive fix is not fully developed within 10 working-days, the pertinent regulated entity should provide at least an overview of its comprehensive fix plans in a written report submitted within 10 working-days after the initial notification was made. In any event, a detailed description of the comprehensive fix should be submitted within 30 calendar-days after initial notification. In summary, the written report should include the following information (a sample format for this report is provided in subparagraph 11-14B3)h)).

- a) A list of the specific FAA regulations that may have been violated.
  - b) A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected.
  - c) A description of the immediate action taken to terminate the conduct that resulted in the apparent violation, including when it was taken, and who was responsible for taking the action.
  - d) An explanation that shows the apparent violation was inadvertent.
  - e) Evidence that demonstrates the seriousness of the apparent violation and the regulated entity's analysis of that evidence.
  - f) A detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, a time schedule for completion of the fix and a self-audit, following completion of the fix, to ensure the action taken corrects the non-compliance.. If a proposed comprehensive fix is not fully developed within 10 working-days, the pertinent regulated entity should provide at least an overview of its comprehensive fix plans in a written report submitted within 10 working-days after the initial notification was made. In any event, a detailed description of the comprehensive fix should be submitted within 30 calendar-days after initial notification.
  - g) Identification of the company official responsible for monitoring the implementation, completion of the comprehensive fix and followup self edit.
  - h) Sample Written Report Format. The following sample in Figure 11-1 is only a suggested format to be followed when preparing the written report that will be submitted to the FAA. While a regulated entity should include at least all the elements specified below, the structure of the written report can be modified by the regulated entity to fit its particular needs.
- 4) Stage IV: Written Report Review by the FAA. The FAA works with the certificate holder to ensure that the regulated entity has identified any root causes and systemic issues which led to the apparent violation. This collaboration helps to ensure that the corrective actions contained in the comprehensive fix are acceptable to the FAA.
  - 5) Stage V: Implementation of Comprehensive Fix and FAA surveillance.
    - a) During the implementation period, the FAA and the pertinent regulated entity should continue to work together. The FAA may advise and assist the entity in correcting any identified systemic problems. Changes will be made to the proposed comprehensive fix when the need is identified. Upon determining that the initial implementation of the proposed comprehensive fix is satisfactory, the PI may issue a letter of correction in Stage V. If the letter of correction is issued in Stage V, and subsequent changes are made to the comprehensive fix, the PI will issue an amendment to the letter of correction which reflects the letter of correction as implemented.

b) The FAA monitors the implementation of the corrective steps. Throughout the implementation period, the FAA assesses the pertinent regulated entity's corrective efforts and top management's awareness of these efforts. If, during this period, the FAA determines that the steps taken by the entity are not those documented in the comprehensive fix and acceptable corrective action by the regulated entity is not forthcoming, the letter of correction may be rescinded, and appropriate legal enforcement action initiated.

6) Stage VI: Inspector Sign-Off. At the conclusion of the implementation period, the PI makes a final assessment. If all elements of the comprehensive fix have been adequately accomplished, including a satisfactory self-audit by the regulated entity, the PI finds the fix satisfactory and closes the case. The case remains subject to reopening in the event that the agreed-upon actions, outlined in the comprehensive fix, are not completed to the satisfaction of the FAA. A statement of followup investigation, confirming that the comprehensive fix was satisfactorily implemented and completed, is prepared to complete the FAA's investigative package.

a) The PI has the authority to close the case. Consultation with regional specialists, legal counsel, or other FAA personnel may be accomplished when deemed appropriate by the PI.

b) If, following FAA closure of the investigative package resulting from a voluntary disclosure, the same or similar violations are discovered to have occurred prior to submission of the associated voluntary disclosure, the FAA does not reopen the case unless it determines that the pertinent regulated entity failed to comply with all the elements of the comprehensive fix agreed upon by the FAA and the entity.

**C. Repeated Violations.** If, following FAA closure of the investigative package resulting from a voluntary disclosure, the same or similar violations are discovered to have occurred prior to submission of the associated voluntary disclosure, the FAA does not reopen the case unless it determines that the pertinent regulated entity failed to comply with all the elements of the comprehensive fix agreed upon by the FAA and the entity.

**D. Dispute Resolution.** When disputes occur regarding the acceptance of a proposed comprehensive fix, or a modification thereto before the fix is considered satisfactory, the PI and the pertinent regulated entity may request that the issue be resolved at the next level of management within the FAA. This procedure will provide for an independent assessment of the areas in disagreement.

**E. Separate Actions Against Airmen or Other Individual Agents.**

1) The voluntary disclosure policy applies to individual airmen or other agents of an employing certificate holder only when all of the following occur:

a) The apparent violation involves a deficiency of the employing entity's practices or procedures that causes the employing certificate holder to be in violation of a covered violation of an FAA regulation, and;

b) The airman or other agent of the employing entity, while acting on behalf of the employing entity, inadvertently violates the FAA's regulations as a direct result of a deficiency of the employing entity that causes the employing entity to be in violation of the regulations. (The voluntary disclosure policy does not apply to the airman or other agent when his or her apparent violation is the result of actions unrelated to the employing entity's deficiency), and;

c) The airman or other agent immediately makes the report of his or her apparent violation to the employing entity, and;

d) The employing regulated entity immediately notifies the FAA of both the airman or other agent's apparent violation and the apparent deficiency in its practice or procedures.

2) When all the above conditions are met, a separate EIR is opened for the individual and closed with no more than administrative action in accordance with Order 2150.3.

3) If all the above conditions are not met, the PI will review all facts associated with the case and determine what action is appropriate for individual airmen or other agents of the employing entity.

4) This provision does not apply to matters concerning qualifications to hold an airman certificate.

NOTE: Special provisions exist for apparent violations by regulated entities when a voluntary disclosure is made based on information in an ASAP report. In such cases, the FAA may, at its sole discretion, accept the corrective action recommended by an ASAP ERC for an accepted ASAP report as the comprehensive fix for the voluntary disclosure. This is acceptable when the following conditions all apply (even when an apparent employee qualification or competency issue is involved):

- The FAA determines that the violation is due entirely to the actions of the employee(s) and not to a systematic or procedural deficiency of the company; and
- The employee completes the corrective action recommended by the ASAP ERC to the satisfaction of the FAA.

### **Figure 11-1. Sample Written Report Format**

#### **A. General.**

- 1) Date.
- 2) Certificate type or equivalent.
- 3) Pertinent regulated entity number or equivalent.
- 4) Company name.

- 5) Company address.
- 6) Company official filing report.
  - Name.
  - Position.
  - Telephone number.
  - E-mail address.

**B. Description of Apparent Violation.**

- 1) Applicable part of Title 14 of the Code of Federal Regulations.
- 2) Date apparent violation was discovered.
- 3) Location of discovery.
- 4) Company official who discovered the apparent violation.
  - Name.
  - Position.
  - Telephone number.
  - E-mail address.
  - Date and time of initial notification to the FAA.
  - Name of FAA official notified (principal inspector (PI)).

**C. Company Official Responsible for Immediate Action.**

- 1) Name.
- 2) Position.
- 3) Telephone number.
- 4) E-mail address.

**D. Duration of Time Apparent Violation Remained Undetected-Hours, Cycles, or Days.**

**E. Summary of Apparent Violation.** The summary should be a brief statement that describes the nature of the apparent violation and identifies the specific aircraft, engines, appliances, facilities, checkpoint, gate, cargo, and/or individuals associated with the apparent violation.

**F. Immediate Action.**

- 1) When immediate action was taken.
- 2) Description of immediate action. This description should outline the immediate steps that were taken to end the violation.
- 3) Company official responsible for immediate action.
- 4) Name.
- 5) Position.

- 6) Telephone number.
- 7) E-mail address.

**G. Analysis.**

1) Summary of evidence. This summary should describe the scope of the apparent violation and explain how it was detected. In addition, conclusions reached regarding possible or probable systemic deficiencies (i.e., who, what, when, why, and how the noncompliance occurred) should be described.

2) Reasons why the apparent violation was inadvertent.

3) Supporting documentation. The evidence associated with the apparent violation should be attached. This evidence should include a statement regarding how the regulated entity determined the extent of the apparent violation.

**H. Comprehensive Fix Proposal.** The proposed long-term corrective steps to be taken by the regulated entity to preclude recurrence of the apparent violation should be listed in this section. Each corrective step should identify the individual or department responsible for implementing and completing the corrective step as well as the time allotted for completion of each corrective step. Examples of types of questions or issues that a comprehensive fix proposal should address are as follows:

1) Whether the apparent violation involves equipment, facilities, or individuals beyond those addressed in the initial notification and for which immediate action was taken.

2) Whether procedural or organizational changes are necessary.

3) How it will be determined whether any procedural or organizational changes are effective.

4) What procedures will be developed to ensure that the affected area is periodically reviewed in the future so that concerns can be identified before a violation occurs.

5) Who will be responsible for performing periodic reviews.

6) To whom in the regulated entity's organization the results of those periodic reviews will be reported, and how they will be documented?

**I. Responsibility for Monitoring the Implementation of the Comprehensive Fix.**

- 1) Name.
- 2) Position.
- 3) Telephone number.
- 4) E-mail address.

**J. FAA Acceptance (To be Completed by the FAA).**

- 1) Name.
- 2) Position (PI).
- 3) Date.

- 4) Office.

### **11-15 VDRP CODES, VDRP PACKAGE CHECKLIST, FAA FORM 2150-5 WORKSHEET, AND SAMPLE VDRP INITIAL NOTIFICATION**

**ACKNOWLEDGEMENT LETTER.** This paragraph applicable only to those regulated entities submitting disclosures via the legacy, paper-based system. The information that follows is the requested way to enter information into EIS for voluntary disclosure cases:

**A. Block 18 Regulations Believed Violated.** If more than one regulation is cited, list them in order of importance. The primary 14 CFR violated should be listed first.

**B. Codes Applicable to the Form 2150-5.** Figures 11-1 through 11-7 may be utilized to determine the appropriate coding for the Form 2150-5.

NOTE: These codes are also contained in drop-down menus within in the Web-based VDRP, when utilizing the Web-based VDRP.

**Figure 11-2. Voluntary Disclosure Type Codes**

<b>Code</b>	<b>Operation Description</b>
1	Air Carrier—121
3	Commercial Operator & Part 125 Operators
4	Scheduled Air Carrier—135
5	Air Carrier On Demand—135
11	Manufacturer
13	Certificated School
15	Repair Station

**Figure 11-3. Voluntary Disclosure Sub-Type Codes (Based on Type of Operation)**

<b>Type Operation</b>	<b>Sub-Type Code</b>	<b>Sub-Type Operation Description</b>
Air Carrier—121	01	Scheduled Passenger
Air Carrier—121	02	Scheduled Cargo
Air Carrier—121	03	On-Demand—Passenger
Air Carrier—121	04	On-Demand—Cargo
Air Carrier—121	05	Helicopter
Air Carrier—121	98	None
Commercial Operator	03	On-Demand—Passenger
Commercial Operator	04	On-Demand—Cargo
Commercial Operator	05	Helicopter
Scheduled Air Carrier—135	01	Scheduled Passenger

Scheduled Air Carrier—135	02	Scheduled Cargo
Scheduled Air Carrier—135	03	On-Demand—Passenger
Scheduled Air Carrier—135	04	On-Demand—Cargo
Scheduled Air Carrier—135	05	Helicopter
Scheduled Air Carrier—135	98	None
On Demand Air Carrier—135	01	Scheduled Passenger
On Demand Air Carrier—135	02	Scheduled Cargo
On Demand Air Carrier—135	03	On-Demand—Passenger
On Demand Air Carrier—135	04	On-Demand—Cargo
On Demand Air Carrier—135	05	Helicopter
On Demand Air Carrier—135	98	None
Manufacturer	05	Helicopter
Manufacturer	23	Aircraft
Manufacturer	24	Engine
Manufacturer	25	Propeller
Manufacturer	26	Product Parts/Appliance
Certificated School	27	Pilot (Schools)
Certificated School	28	Mechanic (Schools)
Certificated School	29	Flight Engineer (Schools)
Repair Station	23	Aircraft
Repair Station	24	Engine
Repair Station	25	Propeller
Repair Station	26	Product Parts/Appliance

**Figure 11-4. Voluntary Disclosure Problem Category Codes**

<b>Category Code</b>	<b>Problem Category Description</b>
100	Personnel
200	Manuals
300	Records/Tapes
400	Training
500	Facilities

600	Conformance
700	Operations
800	Maintenance

**Figure 11-5. Voluntary Disclosure Accident Associated Codes**

Code	Condition
00	No Accident
01	Accident Occurred-Not Associate
02	Accident Occurred-Associated

**Figure 11-6. Voluntary Disclosure Problem Codes**

Problem Code	Problem Description
101	Knowledge
103	Ability/Proficiency
105	Qualifications/Currency
107	Staffing
109	Certificate/Ratings
199	Other/Remarks
201	Content/Information
2010	Drug/Types Of Testing
2020	Drug/Types Of Drugs
203	Currency
2030	Drug/Covered Functions
2040	Drug/Plan Submission
205	Revision/System
2050	Drug/Medical Review Officer
2060	Drug/Employee Assistance Program
207	Distribution
2070	Drug/Laboratory
2080	Drug/Specimen Collection
209	Availability

2090	Drug/Recordkeeping/Reporting
299	Other/Remarks
301	Disposition
303	Procedures
305	Personnel
307	Content/Information
309	Currency
311	Availability
313	Aircraft Discrepancy
315	Inspections
317	Major Repair/Alteration
319	Return To Service
399	Other/Remarks
401	Program
403	Curriculum
405	Aids/Devices
407	Testing
409	Records
411	Facility
413	Instructors
499	Other/Remarks
501	Adequacy
503	Environmental
505	Lighting
507	Snow/Ice Control
509	Runways
511	Taxiways
513	Sterile Area
515	Ramp/Gate Area
517	Vehicle/Other Equipment
519	Obstruction

521	Construction
523	Contamination/Foreign Object Damage (FOD)
525	Markings
527	Signs
529	Approach Aids
531	Navigation Aids
599	Other/Remarks
601	Crew Complement
603	Procedures
605	Checklist
607	Minimum Equipment List (MEL)/Configuration Deviation List (CDL)
609	Approved Program
611	Airworthiness (AW) Directives
613	Weight & Balance
615	Analysis & Surveillance
617	Regulations
619	Security
621	Operations Specifications
623	Sterile Cockpit
625	Aircraft Limitations
627	Carry-On Bags
629	Cabin Safety
631	631 Directives
633	ATC Clearances
635	Public Safety
637	Passenger Handling
639	Flight/Duty Times
641	Hazardous Material
643	Waivers/Authorizations
699	Other/Remarks
701	Air Traffic Control (ATC)/Clearance

703	Automated Terminal Information Service (ATIS)
705	Supplementary Aviation Weather Reporting Station (SAWRS)/Automated Weather Observing System (AWOS)
707	Standard Instrument Departures (SIDs)/Standard Terminal Automation Replacement System (STARS)
709	Standard Instrument Approach Procedure (SIAP)
711	Procedures
719	Other/Remarks
721	ATC/Clearance
723	Pre-Departure
725	Taxi/Takeoff
727	Climb

**Figure 11-7. Voluntary Disclosure Fix Codes**

Fix Code	Fix Description
101	Program/Procedures–Technical
102	Program/Procedures–Administrative
103	Program/Procedures–Training
104	Program/Procedures–Automation (software)
205	Equipment/Facilities–Automation (Hardware)
206	Equipment/Facilities–Test Equipment
207	Equipment/Facilities–Training
208	Equipment/Facilities–Aircraft
209	Equipment/Facilities–Ground Equipment
210	Equipment/Facilities–Housing
311	Personnel–Organization
312	Personnel–Action
313	Personnel–Training

**Figure 11-8. Voluntary Disclosure Action Codes**

01	Administrative Action
14	No Action

**Figure 11-9. Self-Disclosure Inspector/Clerical Checklist**

This paragraph is applicable only to those regulated entities submitting disclosures via the legacy, paper-based system.

This checklist should remain with the self-disclosure package until it is completed and should then be removed and discarded by the reporting inspector.

\_\_\_\_\_ 1. Upon receipt of a notification of self-disclosure, complete the “FAA Acknowledgment of Receipt of Certificate Holders Initial Notification of Self-Disclosure” form. Send original to the certificate holder and keep one (1) copy for file.

NOTE: An extension to the 10 calendar-day time limit referenced in the Acknowledgement of Receipt (Figure 11-10) may be granted if requested by the certificate holder. However, in accordance with the current edition of AC 00-58, a detailed description of the comprehensive fix should be provided in writing to the principal inspector within 30 calendar-days.

\_\_\_\_\_ 2. Determine, to the extent possible, that no FAA investigation of the reported violation is already underway.

\_\_\_\_\_ 3. Open appropriate administrative action PTRS entry in the computer.

NOTE: Entries in PTRS should not include reference to identifying data, such as name of the regulated entity, an FAA designator for the regulated entity, names of personnel assigned to the operator, registration number of the aircraft, etc., as PTRS data is commonly released under FOIA, while VDRP data is protected from release under FOIA. Reference to the EIR number may be made, as identifying data is not recorded in EIS for cases handled under the VDRP.

\_\_\_\_\_ 4. If the proposed comprehensive fix and the initial implementation of that fix are deemed acceptable by the principal inspector (or his or her designee), a letter of correction will be sent to the certificate holder.

NOTE: In accordance with the current edition of FAA Order 2150.3 (Chapter 5, Par 3e), any case involving Corrective Action, cannot be closed until the Corrective Action has been completed by the regulated entity and found to be satisfactory by the FAA.

\_\_\_\_\_ 5. Complete FAA Form 2150-5 in the computer and print out a copy for the file.

\_\_\_\_\_ 6. Following issuance of the letter of correction and closure of the VDRP investigation, close the PTRS entry referenced in item 3 above.

### **Figure 11-10. FAA Form 2150-5, Self-Disclosure Worksheet**

This paragraph is applicable only to those regulated entities submitting disclosures via the legacy, paper-based system.

REPORT NUMBER \_\_\_\_\_ RELATED NUMBER \_\_\_\_\_

SELF DISCLOSURE Y SD IDENTITY CODE > \_\_\_\_\_

6. CERTIFICATE TYPE > \_\_\_\_\_  
 EQUIPMENT TYPE > \_\_\_\_\_ 9. MODEL AIRCRAFT \_\_\_\_\_  
 13. DATE OCCURRED// 14. TIME \_\_\_\_\_  
 15. DATE KNOWN TO FAA//  
 18. REGULATIONS VIOLATED (primary first)  
 1. \_\_\_\_\_ , 2. \_\_\_\_\_ , 3 \_\_\_\_\_ , 4 \_\_\_\_\_  
 19. TYPE \_\_\_\_\_ 20. SUB-TYPE \_\_\_\_\_  
 21. CATEGORY \_\_\_\_\_ 23. ACCIDENT ASSOCIATED \_\_\_\_\_  
 DATE FAA ACCEPTED PLAN//(DATE OF LETTER OF CORRECTION)  
 PROBLEM CODE \_\_\_\_\_  
 FIX CODE 1. \_\_\_\_\_, 2. \_\_\_\_\_, 3. \_\_\_\_\_, 4. \_\_\_\_\_

(List primary first)

CORRECTIVE ACTION PLAN (1200 Characters maximum)

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25. TYPE ACTION > \_\_\_\_ 26. SANCTION > \_\_\_\_  
 27. DATE >// (Date 2150 is printed)

**Figure 11-11. FAA Acknowledgment of Receipt of Certificate Holder’s Initial Notification of Self-Disclosure**

This paragraph is applicable only to those regulated entities submitting disclosures via the legacy, paper-based system. Time and date of receipt are recorded by Web-based VDRP system upon submission by the certificate holder. Reply to certificate holder is automated in the Web-based VDRP system upon FAA acceptance in Stage II.

I, \_\_\_\_\_ of the Kansas City Flight Standards District Office hereby acknowledge receipt of the verbal report stating that a violation of Title 14 of the Code of Federal Regulations may have occurred involving:

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The referenced finding was immediately disclosed to me on  
(Date) \_\_\_\_\_ at (Time local) \_\_\_\_\_ by the

Following Company official:

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

PHONE: \_\_\_\_\_

At that time, the above named company official advised me of the immediate steps taken to cease the conduct that resulted in the apparent violation and stated that an investigation is underway to determine what remedial actions may be necessary to prevent a recurrence of the finding.

In accordance with the current edition of AC 00-58, Voluntary Disclosure Reporting Program, this acknowledgment will serve in lieu of a letter of investigation. However, should we discover prior to receipt of your written report, that the apparent violation was already under investigation by the FAA, we will notify you and proceed with that investigation and this self disclosure will be denied. We expect your complete written report of this incident including a detailed description of the proposed comprehensive fix outlining the planned corrective steps within 10 calendar-days (or 30 calendar-days if so approved) of this initial notification.

I have assigned the following inspector to assist in verifying the facts associated with the finding and in preparing the appropriate investigative package:

Name: \_\_\_\_\_

FAA Office: \_\_\_\_\_

Phone: \_\_\_\_\_

Principal Inspector: \_\_\_\_\_

FAA Office: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**RESERVED.** Paragraphs 11-16 through 11-34.