

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

N 8900.195

National Policy

Effective Date:  
8/8/12

Cancellation Date:  
8/8/13

**SUBJ:** Requirements for Written Notification During Investigations of Airman  
Certificate Holders or Applicants

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**1. Purpose of This Notice.** This notice provides guidance to inspectors on written notification required to be provided to individuals who are the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under Chapter 447 of Title 49 of the United States Code (49 U.S.C.).

**2. Audience.** The primary audience for this notice is Flight Standards District Office (FSDO), certificate management office (CMO), and International Field Office (IFO) inspectors. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters (HQ).

**3. Where You Can Find This Notice.** You can find this notice on the MyFAA employee Web site at [https://employees.faa.gov/tools\\_resources/orders\\_notices](https://employees.faa.gov/tools_resources/orders_notices). Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://www.fsims.avs.faa.gov>. Operators can find this notice on the Federal Aviation's (FAA) Web site at <http://fsims.faa.gov>. This notice is available to the public at [http://www.faa.gov/regulations\\_policies/orders\\_notices](http://www.faa.gov/regulations_policies/orders_notices).

**4. Background.** On August 3, 2012, the Pilot's Bill of Rights (PBR or "the Act") became effective, requiring the FAA provide certain written notifications to individuals who are the subject of an investigation relating to a certificate suspension, revocation, or modification action or the approval or denial of a certificate. The law also requires that the FAA make accessible to such individuals air traffic data as described in paragraph 5 that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in the Act. Except as provided in paragraph 13, the PBR requires written notification of the following as applicable:

- The nature of the investigation;
- That oral or written response to a Letter of Investigation (LOI) from the Administrator is not required;
- That no action or adverse inference can be taken against the individual for declining to respond to a LOI from the Administrator;

- That any response to a LOI from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;
- That the releasable portions of the Administrator's investigative report will be available to the individual at an appropriate time; and
- Where applicable, that the individual is entitled to access or otherwise obtain air traffic data described in paragraph 5.

**5. Access to Air Traffic Data under the PBR.** The PBR requires that the Administrator provide an individual who is the subject of an investigation described in paragraph 4 with access to air traffic data in the possession of the FAA that would facilitate the individual's ability to productively participate in a proceeding relating to the investigation.

**a. Air Traffic Data.** The term "air traffic data" as used in the PBR includes:

- (1) Relevant air traffic communication tapes, which may include the following:
  - Communication recordings between the flightcrew and air traffic control (ATC).
  - Communication recordings among air traffic controllers concerning the subject aircraft.
  - Communication recordings between air traffic controllers and other aircraft in the area of the subject aircraft.
- (2) Radar information, such as radar data regarding the subject aircraft and other aircraft in the vicinity.
- (3) Air traffic controller statements, including the statements—if any—by supervisory controllers concerning the subject aircraft and the subject event.
- (4) Flight data, which may include:
  - Communications other than taped communications between air traffic controllers and the flightcrew;
  - Other nonradar data in the possession of FAA's Air Traffic Organization (ATO) that identifies the location of the aircraft at relevant times during the flight operation under investigation;
  - Weather reports;
  - Relevant Notices to Airmen (NOTAM) in effect on the date of the flight operation under investigation.
- (5) Releasable portions of investigative reports, which may include:
  - FAA Form 8020-17, Preliminary Pilot Deviation Report;
  - Statements from Flight Service Station (FSS) briefers provided to the FAA in connection with a flight operation under investigation.

(6) Any other air traffic or flight data in the FAA's possession that would facilitate the individual's ability to productively participate in a proceeding related to the flight operation under FAA investigation.

**b. Government Contractor Air Traffic Data.** The PBR also states that the individual can obtain air traffic data in the possession of a government contractor providing operational services to the FAA (e.g., contract control towers and FSS) that would facilitate the individual's ability to productively participate in a proceeding related to the flight operation under FAA investigation, provided that the individual identifies the:

- Facility at which such information is located; and
- Date on which such information was generated.

**c. Notification of Air Traffic Data Availability.** The PBR provides that except in an emergency case, the Administrator may not proceed against an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate during the 30-day period beginning on the date on which any air traffic data is made available to the individual. The FAA interprets this provision as meaning that the FAA may not issue a non-emergency order suspending, modifying, or revoking an airman certificate until 30 days have passed since the date the Administrator made the air traffic data available to the airman. Therefore, in such cases the Administrator will advise an airman in the notice proposing certificate action issued by FAA legal counsel that air traffic data is available.

**d. Providing Requested Government Contractor Air Traffic Data to the Individual.** The FAA expects to issue shortly a Federal Register Notice and establish a Web site to inform airmen how to request and obtain air traffic data from government contractors. The FAA expects to provide a centralized means through the FAA Web site for airmen to seek FAA assistance in obtaining air traffic data from government contractors.

**e. Inspector Requests to Maintain Relevant Air Traffic Data.** Inspectors must request that the ATO and any other FAA organization maintain all air traffic data as defined in paragraph 5.a relating to the investigation of an apparent operational violation. Even if such air traffic data will not be included as an item of proof in the Enforcement Investigative Report (EIR), inspectors must still request that the relevant air traffic data associated with an apparent operational violation under investigation be preserved while the investigation and any subsequent enforcement action are pending. Any air traffic data that is received by investigative personnel also must be retained in accordance with retention requirements in FAA Order 1350.15C, Records Organization, Transfer, and Destruction Standards.

**Note:** Any investigative personnel receiving a request from an airman for air traffic data should note the date of the request and must coordinate the release of such data with the Regional Counsel. Any air traffic data released during the investigation and before an EIR is generated must be included in the EIR.

**6. When Written Notification is Required Under the PBR.** Except when giving the required notification under the PBR would threaten the integrity of the investigation as described in paragraph 13, written notification of investigation is required in these circumstances:

a. **LOI to an Airman.** See paragraph 7.

b. **Other Circumstances.** Other circumstances when a LOI is not issued and an EIR has not been opened on an airman:

- At the time an individual submits an application for an airman certificate, rating, or inspection authorization. See paragraph 8.
- In a letter requesting reexamination of an airman's qualifications to hold an airman certificate, rating, or inspection authorization. See paragraph 9.
- Potential violations by an airman involving air traffic data described in paragraph 5.a., for which an EIR has not yet been opened. See paragraph 10.
- Other contacts with an airman that result in an investigation that relates to the airman's certificate, rating, or inspection authorization. See paragraph 11.

c. **Formal Remedial Training.** See paragraph 12.

**7. LOI for Airman Certificate Actions.** Inspectors must use the Sample Letter of Investigation of Airman Certificate Actions (Appendix A) for any investigation for which there is an EIR opened on an airman that might result in the suspension, revocation, or modification of an airman certificate, including any ratings or inspection authorizations. Modification of a certificate would include the suspension or revocation of a rating, or the imposition of a limitation on an airman certificate (e.g., no circling approaches, no passengers).

a. **Timing.** Except as provided in paragraph 13, the LOI referenced in paragraph 7, above, must be issued to the individual in a timely manner. Inspectors should make every effort to issue the LOI no later than 5 business-days after the EIR is opened in EIS.

b. **Return Receipt.** The inspector must send the letter via certified mail, or hand deliver the letter, in order to be able to record the date the airman received the information required by the PBR.

**8. Application for an Airman Certificate, Rating, or Inspection Authorization.** Applications for airman certificates, ratings, or inspection authorizations involve FAA investigations of an individual's qualifications to hold the airman certificate, rating, or inspection authorization for which the individual has applied. Because such investigations are not for the purpose of determining whether a violation exists, the inspector does not issue an LOI and therefore only some of the written notifications under the PBR apply. Any individual who applies for an airman certificate, rating, or inspection authorization must receive and acknowledge receipt of the written notification of investigation (Appendix B) at the time of the application. The signed acknowledgment of receipt of the written notification must be retained with the individual's application.

**9. Letters Requesting Reexamination under 49 U.S.C. § 44709.** Letters requesting reexamination under 49 U.S.C. § 44709 involve FAA investigations of an individual's qualifications to continue to hold an airman certificate, rating, or inspection authorization. Because reexaminations of an individual's qualifications are not investigations for the purpose of determining whether a violation exists, only some of the written notifications under the PBR

apply in these cases. Inspectors must use the Letter Requesting Reexamination under 49 U.S.C. § 44709 (Appendix C) for any airman who is the subject of a reexamination of his or her qualifications to continue to hold an airman certificate, rating, or inspection authorization. This letter will provide the required notification for a situation where the airman places his or her certificate on temporary deposit pending reexamination.

**Note:** The inspector must send the letter requesting reexamination via certified mail, or hand deliver the letter, in order to be able to record the date the airman received the information required by the PBR.

**10. Notification to Certificated Airmen in Cases Involving Air Traffic Data for which an EIR Has Not Yet Been Opened, Including Cases that May be Closed by Administrative, Informal, or No Action.** Where a case under investigation involves air traffic data, time is of the essence because some air traffic data is routinely destroyed or disposed of in the ordinary course of business. In such a case, except as provided in paragraph 13, inspectors should provide in a timely manner the written Notification of Investigation under the Pilot's Bill of Rights (Appendix D) to an airman identified to the inspector as the subject of an investigation for a possible violation involving air traffic data. The inspector should retain a copy of this notification and if an EIR is opened, include the copy in the EIR.

**Note:** The inspector must send the written notification via certified mail, or hand deliver the written notification, in order to be able to record the date the airman received the information required by the PBR.

**11. Other Contacts with a Certificated Airman that Result in an Investigation that Relates to the Airman's Certificate, Rating, or Inspection Authorization, Including Cases that May be Closed by Administrative, Informal, or No Action.** Under the PBR, the individual subject to an investigation under the Act must be given written notification that any response to an inquiry by the FAA in connection with the investigation may be used as evidence against them. For instance, if an inspector seeks to interview an individual who the inspector knows is the subject of the investigation, but for some reason the inspector has not issued the LOI to the individual or has not yet opened an EIR (e.g., during a routine ramp inspection), the inspector must provide timely, written notification under the PBR (Appendix E) unless, as described in paragraph 13, providing the required notification at that time would threaten the integrity of the investigation, and the inspector obtains the concurrence of Regional Counsel to invoke the exception to the notification requirements. The airman must acknowledge receipt of this notification that the FAA inspector would retain and if an EIR is later opened, the inspector would include the signed acknowledgment in the EIR.

**12. Formal Remedial Training.** Inspectors must use the Sample Letter of Investigation for Remedial Training (Appendix F) for any investigation for which there is an EIR opened on an airman where formal remedial training is offered but that might also result in the suspension, revocation, or modification of an airman certificate, including any ratings or inspection authorizations. Modification of a certificate would include the suspension or revocation of a rating, or the imposition of a limitation on an airman certificate (e.g., no circling approaches, no passengers).

**a. Timing.** Except as provided in paragraph 13, the LOI referenced in paragraph 12, above, must be issued to the individual in a timely manner. Inspectors should make every effort to issue the LOI no later than 5 business days after the EIR is opened in EIS.

**b. Return Receipt.** The inspector must send the letter via certified mail, or hand deliver the letter, in order to be able to record the date the airman received the information required by the PBR.

**13. Exception to the Notification Requirement under the PBR.** The Administrator may delay timely written notification required under the Act if he or she determines that such notification may threaten the integrity of the investigation. Notification must be provided once the threat to the integrity of the investigation has ceased. Examples of circumstances where the integrity of the investigation could be threatened by providing written notification to an airman include:

**a. Destruction/Concealment.** Providing the required notification under the PBR presents a risk of:

- (1) Destruction of evidence.
- (2) Concealment of evidence.

**Note:** Once the evidence of concern has been obtained, the Administrator must provide the required written notification.

**b. Death or Serious Bodily Harm.** Delay caused by giving the required notification under the PBR presents a risk of death or serious bodily injury, or destruction of property;

**Note:** Once the risk has been abated, the Administrator must provide the required written notification.

**c. Time.** Circumstances where there is not enough time to give written notification under the PBR but oral notification can be provided. For example, the individual subject to investigation will be unavailable within required timeframes for processing an FAA certificate action.

**Note:** An inspector may delay providing the written notifications required under this exception of the Act and subsequently provide them after a delay, only after consultation with and concurrence of the Regional Counsel.

**14. Voluntary Surrender of Certificate.** If an airman elects to voluntarily surrender his or her certificate for cancellation and the FAA accepts the surrender in accordance with the guidance in FAA Order 2150.3B, FAA Compliance and Enforcement Program, Chapter 5, subparagraph 10.b., then an inspector does not provide the notification required under the PBR. In this situation, there is no investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate, nor any inquiry of the airman that might elicit a response that could be used as evidence against the airman.

**15. Disposition.** We will incorporate the information in this notice into FAA Order 8900.1 (FSIMS) before this notice expires. Direct questions or comments about this notice and PBR to AFS-200, Air Transportation Division, at 202-267-8166.

ORIGINAL SIGNED by  
/s/ John Duncan for

John M. Allen  
Director, Flight Standards Service

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**Appendix A. Sample Letter of Investigation of Airman Certificate Actions**

**Note:** The italicized portions are mandatory and must not be changed.

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

Personnel of this office are investigating a flight that involved the operation of a Cessna 172S aircraft, N1234Z, under IFR (Instrument Flight Rules), from KFXE (Ft. Lauderdale Executive Airport) enroute to TNCC (Hato Airport, Curacao) on August 1, 2012. Our office was informed that you were identified as Pilot in Command (PIC) of this flight. Further, it has been noted that you do not hold an instrument rating on your pilot certificate. Operations of this type may be contrary to the Federal Aviation Regulations.

*This letter is to inform you that this matter is under investigation by the Federal Aviation Administration (FAA). In accordance with the Pilot’s Bill of Rights, we are informing you that:*

*(1) The nature of this investigation (is to determine if you operated civil aircraft N1234Z) as described above in violation of the Federal Aviation Regulations, and if so, what, if any, enforcement action should be taken.*

*(2) Oral or written response to this Letter of Investigation is not required, and no action can be taken or adverse inference made against you for declining to respond to this Letter of Investigation.*

*(3) Any response by you to this Letter of Investigation or to an inquiry made by a representative of the FAA Administrator may be used as evidence against you.*

*(4) If this investigation results in a legal enforcement action against your airman certificate, the releasable portions of the Administrator’s investigative report will be made available to you upon your written request addressed to the FAA’s legal counsel handling the enforcement action.*

[If applicable to the nature of the investigation, include the following notification re: air traffic data --]

*(5) You are entitled to access or otherwise obtain air traffic data that would facilitate your ability to productively participate in a proceeding relating to this investigation. With regard to such air traffic data in the possession of a government contractor providing operational services to the FAA (e.g., contract control towers and flight service stations), go to the FAA’s website at [www.faa.gov](http://www.faa.gov) and click on “Pilot’s Bill of Rights,” which will prompt you to provide the following information:*

- i. the facility at which such information is located; and*
- ii. the date on which such information was generated.*

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Appendix A

*Because air traffic data is routinely destroyed or disposed of in the ordinary course of business, time is of the essence.*

We would appreciate receiving any evidence or statements you might care to disclose regarding this incident within 10 days of receipt of this letter. Any discussion and/or written statements furnished by you will be given consideration in our investigation. If we do not hear from you within the specified time, our report will be processed without the benefit of your statement.

Sincerely,

[name]  
Aviation Safety Inspector  
Enclosure

Inactive Doc

### ***Privacy Act Notice***

*This Notice is provided in accordance with Section (e)(3) of the Privacy Act, 5 U.S.C. Section 552a(e)(3), and concerns the information requested in the letter or form with which this Notice is enclosed.*

- A. Authority: This information is solicited pursuant to 49 U.S.C. § 40113(a) and the regulations issued under that statutory provision codified in 14 C.F.R. part 13. Submission of information is voluntary.*
- B. Principal Purposes:*
- 1. The request for information is intended to provide you with an opportunity to participate in the investigation.*
  - 2. The requested information will be used to help determine whether or not there has been a violation of the Federal Aviation Regulations, and if so, what, if any, enforcement action should be taken.*
- C. Routine uses: Records from this system of records may be disclosed in accordance with the following routine uses that appear in the System of Records No. DOT/FAA 847, General Air Transportation Records on Individuals, DOT/FAA:*
- 1. To provide basic airman certificate and qualification information to the public upon request.*
  - 2. To disclose information to the National Transportation Safety Board (NTSB) in connection with its investigation responsibilities.*
  - 3. To provide information about airmen to Federal, state, and local law enforcement agencies when engaged in the investigation and apprehension of drug law violators.*
  - 4. To provide information about enforcement actions arising out of violations of the Federal Aviation Regulations to government agencies, the aviation industry, and the public upon request.*
  - 5. To disclose information to another Federal agency, or to a court or an administrative tribunal, when the Government or one of its agencies is a party to a judicial proceeding before the court or involved in administrative proceedings before the tribunal.*
- D. Effect of failure to respond: The FAA cannot impose any penalties upon you if you fail to respond to this letter of investigation. If you fail to supply the requested information, however, the FAA will make determinations about possible enforcement action for this matter without the benefit of your comments on this matter.*

**Appendix B. Sample Written Notification to an Airman Applicant**

**Note:** The italicized portions are mandatory and must not be changed.

**PILOT’S BILL OF RIGHTS WRITTEN NOTIFICATION OF INVESTIGATION**

*The information you submit on the attached FAA Form [insert form number and the title of the airman certificate application] will be used by the Administrator of the Federal Aviation Administration as part of the basis for issuing an airman certificate, rating, or inspection authorization to you under Title 49, United States Code (USC) section 44703(a), if the Administrator finds, after investigation, that you are qualified for, and physically able to perform the duties related to the certificate, rating, or inspection authorization for which you are applying. Therefore, in accordance with the Pilot’s Bill of Rights, the Administrator is providing you with this written notification of investigation of your qualifications for an airman certificate, rating, or inspection authorization:*

- *The nature of the Administrator’s investigation, which is precipitated by your submission of this application, is to determine whether you meet the qualifications for the airman certificate, rating, or inspection authorization you are applying for under Title 14, Code of Federal Regulations (CFR) parts 61, 63, or 65.*
- *Any response to an inquiry by a representative of the Administrator by you in connection with this investigation of your qualifications for an airman certificate, rating, or inspection authorization may be used as evidence against you.*
- *A copy of your complete airman file is available to you upon your written request addressed to:*

*Federal Aviation Administration  
Airmen Certification Branch, AFS-760  
P.O. Box 25082  
Oklahoma City, OK 73125-0082*

[The following acknowledgment would be on a separate sheet that the FAA would retain with the application]

**ACKNOWLEDGMENT OF RECEIPT OF  
PILOT’S BILL OF RIGHTS WRITTEN NOTIFICATION**

I acknowledge that I received the Pilot’s Bill of Rights Written Notification of Investigation at the time of this application.

\_\_\_\_\_  
Signature of Applicant

DATE: \_\_\_\_\_  
MM/DD/YYYY

**Appendix C. Sample Letter Requesting Reexamination under 49 U.S.C. § 44709**

**Note:** The italicized portions are mandatory and must not be changed.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

The FAA has conducted an investigation of an accident/incident that occurred at \_\_\_\_\_ on \_\_\_\_\_. Based on that investigation, the FAA has reason to believe that your competence as a certificated airman is in question, and that reexamination of your qualification to be the holder of an airman certificate is necessary in the interest of safety. Therefore, under the authority in 49 U.S.C. § 44709, the FAA requests that you call or appear at this office or a Flight Standards District Office more conveniently located to you, no later than \_\_\_\_\_, to make an appointment for a reexamination. The reexamination will consist of \_\_\_\_\_ and include the knowledge and skill necessary to be the holder of \_\_\_\_\_ with emphasis on \_\_\_\_\_.

If you make an appointment with a Flight Standards District office in another area, please advise this office.

If you do not accept the opportunity for reexamination by the date set forth above, we will begin proceedings to suspend your airman certificate until such time as you demonstrate your competence to exercise its privileges. If, for reasons beyond your control, you are unable to be reexamined at this time, please contact me prior to \_\_\_\_\_ so that the FAA can determine whether to grant an extension of time to you.

*In accordance with the Pilot's Bill of Rights, we also inform you that:*

*(1) The nature of this investigation is to reexamine your qualifications to be the holder of an airman certificate in the interest of air safety pursuant to the Administrator's authority under 49 U.S.C. § 44709.*

*(2) Any response to an inquiry made by a representative of the FAA Administrator by you in connection with the reexamination of your qualifications described above may be used as evidence against you.*

*(3) If the reexamination of your qualifications results in a legal enforcement action against your certificate, the releasable portions of the Administrator's investigative report will be made available to you upon your written request addressed to the FAA's legal counsel handling the enforcement action.*

Please note that the incident that occurred on \_\_\_\_\_ is still under investigation to determine whether other enforcement action is appropriate. If additional enforcement action is to be taken, you will be advised in a separate letter.

We will be pleased to discuss this matter with you and provide any further information that may assist you. Our office is open from \_\_\_\_\_ to \_\_\_\_\_, and our telephone number is \_\_\_\_\_.

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**Appendix D. Sample Notification Under the Pilot’s Bill of Rights to Certificated Airmen in Cases Involving Air Traffic Data for Which an EIR Has Not Been Opened**

**Note:** The italicized portions are mandatory and must not be changed.

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTIFICATION OF INVESTIGATION UNDER THE PILOT’S BILL OF RIGHTS**

*In accordance with the Pilot’s Bill of Rights, we are informing you that:*

*(1) You are the subject of an investigation for possible violation of the Federal Aviation Regulations in connection with <state the nature of the individual’s conduct under investigation>.*

*(2) Any response to an inquiry by a representative of the FAA Administrator by you in connection with this investigation may be used as evidence against you.*

*(3) If this investigation results in a subsequent legal enforcement action against your airman certificate, rating, or inspection authorization, the releasable portions of the Administrator’s investigative report will be made available to you upon your written request addressed to the FAA’s legal counsel handling the enforcement action.*

*(4) You are entitled to access or otherwise obtain air traffic data that would facilitate your ability to productively participate in a proceeding relating to this investigation. With regard to such air traffic data in the possession of a government contractor providing operational services to the FAA (e.g., contract control towers and flight service stations), go to the FAA’s website at [www.faa.gov](http://www.faa.gov) and click on “Pilot’s Bill of Rights,” which will prompt you to provide the following information:*

- i. the facility at which such information is located; and*
- ii. the date on which such information was generated.*

*Because air traffic data is routinely destroyed or disposed of in the normal course of business, time is of the essence.*

[name]  
Aviation Safety Inspector

**Appendix E. Sample Written Notification Provided in Other Contacts with  
Certificated Airmen that Result in an Investigation that Relates to the Airman’s  
Certificate, Rating, or Inspection Authorization**

**Note:** The italicized portions are mandatory and must not be changed.

**NOTIFICATION OF INVESTIGATION UNDER THE PILOT’S BILL OF RIGHTS**

*In accordance with the Pilot’s Bill of Rights, the FAA is informing you that:*

(1) *The nature of this investigation is to determine whether you \_\_\_\_\_  
\_\_\_\_\_ in violation of the Federal Aviation  
Regulations, and if so, what, if any, enforcement action should be taken.*

(2) *Any response by you to an inquiry by a representative of the FAA Administrator in  
connection with this investigation may be used as evidence against you.*

(3) *If this investigation results in a subsequent legal enforcement action against your airman  
certificate, rating, or inspection authorization, the releasable portions of the Administrator’s  
investigative report will be made available to you upon your written request addressed to the  
FAA’s legal counsel handling the enforcement action.*

[If applicable to the nature of the violation under investigation, include the following notification  
re: air traffic data --]

(4) *You are entitled to access or otherwise obtain air traffic data that would facilitate your  
ability to productively participate in a proceeding relating to this investigation. With regard to  
such air traffic data in the possession of a government contractor providing operational services  
to the FAA (e.g., contract control towers and flight service stations), go to the FAA’s website at  
www.faa.gov and click on “Pilot’s Bill of Rights,” which will prompt you to provide the following  
information:*

- i. the facility at which such information is located; and*
- ii. the date on which such information was generated.*

*Because air traffic data is routinely destroyed or disposed of in the ordinary course of business,  
time is of the essence.*

-----  
[The following acknowledgment would be on a separate sheet that the FAA inspector would  
retain and if an EIR is later opened, the inspector would include in the EIR.]

**ACKNOWLEDGMENT OF RECEIPT OF  
PILOT’S BILL OF RIGHTS WRITTEN NOTIFICATION**

I acknowledge that I received the Pilot’s Bill of Rights Written Notification of Investigation.

\_\_\_\_\_  
Signature of Airman

DATE: \_\_\_\_\_  
MM/DD/YYYY

**Appendix F. Sample Letter of Investigation for Formal Remedial Training**

**Note:** The italicized portions are mandatory and must not be changed.

DATE

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

**File No. [EIR NUMBER]**

[NAME]

[ADDRESS]

[CITY, STATE ZIPCODE]

Dear [TITLE & LAST NAME]:

We are investigating [describe accident/incident/occurrence] that occurred on [date and time] at [location]. The [accident/incident/occurrence] involved operation of civil aircraft N1234Z. These types of operations may be contrary to FAA's regulations.

*This letter is to inform you that this matter is under investigation by the Federal Aviation Administration (FAA). In accordance with the Pilot's Bill of Rights, we are informing you that:*

- (1) The nature of this investigation (is to determine if you operated civil aircraft N1234Z) as described above in violation of the Federal Aviation Regulations, and if so, what, if any, enforcement action should be taken.*
- (2) Oral or written response to this Letter of Investigation is not required, and no action can be taken or adverse inference made against you for declining to respond to this Letter of Investigation.*
- (3) Any response by you to this Letter of Investigation or to an inquiry made by a representative of the FAA Administrator may be used as evidence against you.*
- (4) If this investigation results in a legal enforcement action against your airman certificate, the releasable portions of the Administrator's investigative report will be made available to you upon your written request addressed to the FAA's legal counsel handling the enforcement action.*

[If applicable to the nature of the investigation, include the following notification re: air traffic data --]

- (5) You are entitled to access or otherwise obtain air traffic data that would facilitate your ability to productively participate in a proceeding relating to this investigation. With regard to such air traffic data in the possession of a government contractor providing operational services to the FAA (e.g., contract control towers and flight service stations), go to the FAA's website at [www.faa.gov](http://www.faa.gov) and click on "Pilot's Bill of Rights," which will prompt you to provide the following information:
 
  - i. the facility at which such information is located; and*
  - ii. the date on which such information was generated.**

*Because air traffic data is routinely destroyed or disposed of in the ordinary course of business, time is of the essence.*

Please send us any evidence or statements you might care to make about this matter within 10 days of receiving this letter. We will consider any information you provide in our investigation. If we do not hear from you within this time, we will complete our report without the benefit of your statement.

Also, we may allow you to take part in FAA's *corrective action through remedial training program*, rather than taking enforcement action against you. Remedial training may be appropriate if we find that:

- (1) The apparent violation was not deliberate or grossly careless;
- (2) The apparent violation did not involve apparent criminal conduct or disclose a lack of qualifications to hold an airman certificate;
- (3) You fully disclosed the facts and circumstances of this incident during our investigation; and

Our review shows you have a good record of compliance with our regulations.

For us to allow you to participate in the *corrective action through remedial training program*, you must respond to this letter within 10 days of receiving it and express your interest in pursuing a course of remedial education. However, the decision to use remedial training is within our discretion, and your interest in the program does not guarantee that we will allow you to take remedial training instead of being subject to legal enforcement action.

If you want to receive remedial training, and the FAA inspector believes it may be appropriate, you will meet with the inspector, who will confirm whether we will allow you to take part in the training program. The inspector will propose a training course for you, at your expense. If you agree to the proposed program, you and the FAA will sign an agreement describing its terms and conditions. When you complete the training satisfactorily, within the time specified, we will issue you a Letter of Correction and will close the matter. If you fail to carry out any of the terms of the agreement, we will terminate your participation in the program and may take legal enforcement action against you. We may use the information you give the FAA, including the response to this letter, in determining whether remedial training is appropriate. We may use our decision to not offer you remedial training, or your failure to complete the program satisfactorily, in any later legal enforcement action we take.

You can get more information on our *corrective action through remedial training program* by calling [FAA staff name and number].

Sincerely,  
[name]  
Aviation Safety Inspector

### ***Privacy Act Notice***

*This Notice is provided in accordance with Section (e)(3) of the Privacy Act, 5 U.S.C. Section 552a(e)(3), and concerns the information requested in the letter or form with which this Notice is enclosed.*

- A. Authority: *This information is solicited pursuant to 49 U.S.C. § 40113(a) and the regulations issued under that statutory provision codified in 14 C.F.R. part 13. Submission of information is voluntary.*
- B. Principal Purposes:
- 1. The request for information is intended to provide you with an opportunity to participate in the investigation.*
  - 2. The requested information will be used to help determine whether or not there has been a violation of the Federal Aviation Regulations, and if so, what, if any, enforcement action should be taken.*
- C. Routine uses: *Records from this system of records may be disclosed in accordance with the following routine uses that appear in the System of Records No. DOT/FAA 847, General Air Transportation Records on Individuals, DOT/FAA:*
- 1. To provide basic airman certificate and qualification information to the public upon request.*
  - 2. To disclose information to the National Transportation Safety Board (NTSB) in connection with its investigation responsibilities.*
  - 3. To provide information about airmen to Federal, state, and local law enforcement agencies when engaged in the investigation and apprehension of drug law violators.*
  - 4. To provide information about enforcement actions arising out of violations of the Federal Aviation Regulations to government agencies, the aviation industry, and the public upon request.*
  - 5. To disclose information to another Federal agency, or to a court or an administrative tribunal, when the Government or one of its agencies is a party to a judicial proceeding before the court or involved in administrative proceedings before the tribunal.*
- D. Effect of failure to respond: *The FAA cannot impose any penalties upon you if you fail to respond to this letter of investigation. If you fail to supply the requested information, however, the FAA will make determinations about possible enforcement action for this matter without the benefit of your comments on this matter.*