



U.S. Department
of Transportation
Federal Aviation
Administration

Advisory Circular

Subject: Aviation Safety Reporting Program

Date: 12/16/11

AC No: 00-46E

Initiated by: AFS-200

Change:

1. PURPOSE. This advisory circular (AC) describes the Federal Aviation Administration (FAA) Aviation Safety Reporting Program (ASRP) which utilizes the National Aeronautics and Space Administration (NASA) as a third party to receive and process Aviation Safety Reports. This cooperative safety reporting program invites pilots, controllers, Flight Attendants (F/A), maintenance personnel, dispatchers, and other users of the National Airspace System (NAS), or any other person, to report to NASA actual or potential discrepancies and deficiencies involving the safety of aviation operations. The operations covered by the program include departure, en route, approach, and landing operations and procedures; air traffic control (ATC) procedures and equipment; crew and ATC communications; aircraft cabin operations; aircraft movement on the airport; near midair collisions (NMAC); aircraft maintenance and recordkeeping; and airport conditions or services. The effectiveness of this program in improving safety depends on the free, unrestricted flow of information from the users of the NAS. Based on information obtained from this program, the FAA will take corrective action as necessary to remedy defects or deficiencies in the NAS. The reports may also provide data for improving the current system and planning for a future system.

2. CANCELLATION. This AC cancels AC 00-46D, Aviation Safety Reporting Program, dated February 26, 1997.

3. BACKGROUND.

a. FAA Mission. The primary mission of the FAA is to promote aviation safety. To further this mission, the FAA instituted a voluntary ASRP on April 30, 1975, designed to encourage the identification and reporting of deficiencies and discrepancies in the system.

b. NASA Partnership. The FAA determined that the ASRP effectiveness would be greatly enhanced if NASA, rather than the FAA, accomplished the receipt, processing, and analysis of raw data. This would ensure the anonymity of the reporter and of all parties involved in a reported occurrence or incident and, consequently, increase the flow of information necessary for the effective evaluation of the safety and efficiency of the system. Accordingly, NASA designed and administers the Aviation Safety Reporting System (ASRS) to perform these functions in accordance with a Memorandum of Agreement (MOA) executed by the FAA and NASA on August 15, 1975, as modified September 30, 1983, and August 13, 1987. NASA conducts current ASRS operations in accordance with an MOA executed by the FAA and NASA on June 15, 1999.

4. NASA RESPONSIBILITIES.

a. General. NASA ASRS provides for the receipt, analysis, and de-identification of Aviation Safety Reports. In addition, ASRS publishes and distributes periodic reports of findings obtained through the reporting program to the public, the aviation community, and the FAA.

b. Advisory Committee. The NASA ASRS Advisory Committee, composed of representatives from the aviation community, including NASA, the FAA, and the National Transportation Safety Board (NTSB) advises NASA on the conduct of the ASRS. The Committee conducts periodic meetings to evaluate and ensure the effectiveness of the reporting system.

5. PROHIBITION AGAINST THE USE OF REPORTS FOR ENFORCEMENT PURPOSES.

a. Background. Designed and operated by NASA, the NASA ASRS security system ensures the confidentiality and anonymity of the reporter, and other parties as appropriate, involved in a reported occurrence or incident. The FAA will not seek, and NASA will not release or make available to the FAA, any report filed with NASA under the ASRS or any other information that might reveal the identity of any party involved in an occurrence or incident reported under the ASRS. There has been no breach of confidentiality in more than 34 years of the ASRS under NASA management.

b. Regulatory Restrictions. Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.25 prohibits the use of any reports submitted to NASA under the ASRS (or information derived therefrom) in any disciplinary action, except information concerning criminal offenses or accidents that are covered under paragraphs 7a(1) and 7a(2).

c. Non-ASRS Report. When violation of the 14 CFR comes to the attention of the FAA from a source other than a report filed with NASA under the ASRS, the Administrator of the FAA will take appropriate action. See paragraph 9.

6. REPORTING PROCEDURES. Forms in the NASA ARC 277 series have been prepared specifically for intended users (including ARC 277A for air traffic use, 277B for general use including pilots, 277C for flight attendants and 277D for maintenance personnel) and are preaddressed and postage free, or are available online for access and filing electronically. Additionally, organizations may elect to securely transfer copies of reports from their internal reporting system to NASA ASRS directly. Forms with a narrative report should be completed and mailed to ASRS at NASA, Aviation Safety Reporting System, P.O. Box 189, Moffett Field, CA 94035-0189, or filed electronically with ASRS through the NASA ASRS Web site at <http://asrs.arc.nasa.gov>.

7. PROCESSING OF REPORTS.

a. Processing Procedures. NASA procedures for processing Aviation Safety Reports initially screen the reports for:

(1) Information concerning criminal offenses, which will be referred promptly to the Department of Justice and the FAA;

(2) Information concerning accidents, which will be referred promptly to the NTSB and the FAA; and

NOTE: Reports discussing criminal activities or accidents are not de-identified prior to their referral to the agencies outlined above.

(3) Time-critical information that, after de-identification, will be promptly referred to the FAA and other interested parties.

b. Reporter Identification (ID) Strip. Each Aviation Safety Report, in paper or electronic format, contains an ID strip that contains the information that identifies the person submitting the report. NASA will time stamp and return the ID strip to the reporter as a receipt by NASA. This will provide the reporter with proof that he or she filed a report on a specific incident or occurrence. The ID strip section of the ASRS report form provides NASA program personnel with the means to contact the reporter if there is a need for additional information to understand more completely the report's content. Except in the case of reports describing accidents or criminal activities, NASA does not create or retain a copy of an ASRS form's ID strip for ASRS files. Prompt return of ID strips is a primary element of the ASRS program's report de-identification process and ensures the reporter's anonymity.

8. DE-IDENTIFICATION. All information that might assist in or establish the ID of persons filing ASRS reports and parties named in those reports will be deleted, except for reports covered under paragraphs 7a(1) and 7a(2). This de-identification will be accomplished within a timely manner after NASA's receipt of the reports.

9. ENFORCEMENT POLICY.

a. Administrator's Responsibilities. The Administrator of the FAA will perform his or her responsibility under Title 49 of the United States Code (49 U.S.C.) subtitle VII, and enforce the statute and the 14 CFR in a manner that will reduce or eliminate the possibility of, or recurrence of, aircraft accidents. The FAA enforcement procedures are set forth in 14 CFR part 13 and FAA enforcement handbooks.

b. Enforcement Action. When determining the type and extent of the enforcement action to take in a particular case, the FAA will consider the following factors:

- (1) Nature of the violation;
- (2) Whether the violation was inadvertent or deliberate;
- (3) The certificate holder's level of experience and responsibility;
- (4) Attitude of the violator;
- (5) The hazard to safety of others, which should have been foreseen;

- (6) Action taken by employer or other government authority;
- (7) Length of time which has elapsed since the violation;
- (8) The certificate holder's use of the certificate;
- (9) The need for special deterrent action in a particular regulatory area or segment of the aviation community; and
- (10) Presence of any factors involving national interest, such as the use of aircraft for criminal purposes.

c. Enforcement Restrictions. The FAA considers the filing of a report with NASA concerning an incident or occurrence involving a violation of 49 U.S.C. subtitle VII or the 14 CFR to be indicative of a constructive attitude. Such an attitude will tend to prevent future violations. Accordingly, although a finding of violation may be made, neither a civil penalty nor certificate suspension will be imposed if:

- (1) The violation was inadvertent and not deliberate;
- (2) The violation did not involve a criminal offense, accident, or action under 49 U.S.C. § 44709, which discloses a lack of qualification or competency, which is wholly excluded from this policy;
- (3) The person has not been found in any prior FAA enforcement action to have committed a violation of 49 U.S.C. subtitle VII, or any regulation promulgated there for a period of 5 years prior to the date of occurrence; and
- (4) The person proves that, within 10 days after the violation, or date when the person became aware or should have been aware of the violation, he or she completed and delivered or mailed a written report of the incident or occurrence to NASA.

NOTE: Paragraph 9 does not apply to air traffic controllers, who are covered under the provisions of the Air Traffic Safety Action Program (ATSAP), as described in the ATSAP Memorandum of Understanding (MOU).

10. OTHER REPORTS. This program does not eliminate responsibility for reports, narratives, or forms presently required by existing directives.

11. AVAILABILITY OF FORMS. Electronic reporting forms (NASA ARC Form 277-series, Aviation Safety Reporting System) are available for access and secure electronic filing from the NASA ASRS Web site at <http://asrs.arc.nasa.gov>. Alternatively, forms from this site may be accessed, printed, and completed by hand, or accessed and completed by computer and then printed. These may then be mailed to NASA Aviation Safety Reporting System, P.O. Box 189, Moffett Field, California 94035-0189.

/s/  for

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