



U.S. Department
of Transportation

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE
Washington, DC 20590

Catherine A. McMullen, Esq.
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-450

December 17, 2012

Dear Ms. McMullen:

I have enclosed a final status update, prepared by the Federal Aviation Administration (FAA), on corrective actions relating to whistleblower complaints (DI-11-1675 & DI-11-1677) filed by Vincent Sugent and Brian Gault, air traffic controllers at Detroit Metropolitan Wayne County Airport. The Office of Special Counsel closed these complaints on May 8, 2012.

Please feel free to call Debra Rosen or me if you have any questions.

Sincerely,

for 

Terence Carlson
Acting Assistant General Counsel
for General Law

Enclosure



Federal Aviation Administration

Memorandum

Date: DEC 14 2012

To: Terence W. Carlson
Acting Assistant General Counsel for General Law, C-10

From:  H. Clayton Foushee, Director, Audit and Evaluation, AAE-001

Subject: Final Status Report regarding Office of Special Counsel Case (OSC) Nos. DI-11-1675 and DI-11-1677 for Detroit Metropolitan Wayne County Airport Divergent Headings Corrective Actions

This provides our final update regarding FAA's correction action pertaining to air traffic safety disclosures made by Vincent Sugent and Brian Gault in May 2011 to OSC. The OIG issued a Report of Investigation (ROI) with findings on November, 15, 2011. In response, the Federal Aviation Administration (FAA) agreed to a corrective action plan which would 1) develop and implement missed approach procedures, and 2) audit the facility to ensure that the procedures were effective, and ensure that controllers were trained and understood the new procedures. FAA also responded to follow up questions from OSC and provided updates on the status of corrective actions in April 2012, and July 2012.

In our update of July 26, 2012, we reported that FAA was 120 days into the audit phase of the correction action plan. During the first 120 days of the audit, only three missed approach events occurred, all of which transpired prior to the effective date of the new procedures. Eighteen new missed approach procedures were published in the form of Notices to Airmen (NOTAM) on April 3, 2012, and were formally published on July 26, 2012.

Updated Response: The FAA is now over 300 days into the audit phase of the corrective action plan. Since our July update, there have been no missed approach events identified. During the first 120 days of the audit, as indicated in our July 2012 update, only three missed approach (MA) events occurred all of which transpired prior to the publication of the NOTAM. Since then, for the past 180 days we have audited, no missed approaches have occurred. Thus, all of the MA events transpired *prior to* April 3, 2012, the effective date of the new procedures. Of the three MAs, two of the events involved no departures or any other aircraft. Only one MA event occurred during instrument meteorological conditions (IMC), while simultaneous instrument landing system (ILS) approaches were in use with a simultaneous departure aircraft involved.

DTW has taken significant measures to ensure that operational personnel are compliant with current requirements while conducting simultaneous ILS approaches on parallel runways during IMC. Current data indicates that DTW was in compliance with all applicable requirements throughout the audit period. Based on the audit results, the Central Quality Control Group (QCG) has formally recommended that audits be terminated. The Central Service Area Director of Operations and the Director of Terminal Operations, Headquarters have jointly agreed that QCG audits associated with simultaneous operations on the proper application of air traffic policy paragraphs 5-8-3 and 5-8-5 at DTW may be suspended, and the Director's decision was received by ATO Safety & Technical Training on Dec. 4, 2012.

National training on the policy in FAAO JO 7110.65, paragraphs 5-8-3 and 5-8-5 was completed between May – August 2012 at all affected facilities. Based on the successful completion of the audits at DTW and training at all other tower facilities conducting simultaneous operations described in air traffic policy paragraphs 5-8-3 and 5-8-5, we consider the corrective action plan to be completed.

If you have any questions or need additional information, please contact Joseph Teixeira, Vice President, ATO Safety and Technical Training, at 202-267-3341.

Atch: Memo from AJT to AJI, Recommending Suspension of Audits, dated Dec. 4, 2012

cc: Vice President, ATO Safety and Technical Training
Vice President, Terminal Services
Chief Operating Officer

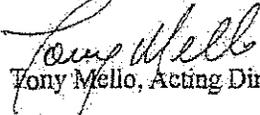


Federal Aviation Administration

Memorandum

Date: DEC 04 2012

To: William M. Alexander, Acting Director, Safety and Technical Training, AII-1

From: 
Tony Mello, Acting Director, Terminal Operations, Headquarters, AJT-2

Subject: Corrective Action Completion for Office of Special Counsel Case Nos.
DI-11-1675 and DI-11-1677 for Detroit Metropolitan Wayne County Airport
Divergent Headings Corrective Actions

This memo is associated with completion of all corrective actions related to the allegations described in the Department of Transportation Office of Inspector General report of investigation (ROI). Following the Office of Special Counsel referral of case numbers DI-11-1675 and DI-11-1677, dated May 10, 2011, and the ROI dated November 15, 2011, the Air Traffic Organization responded to the allegations (November 2011) and follow-up questions (April 2012).

The Central Quality Control Group (C-QCG) has completed over 300 days of on-site observations and audits during the corrective action plan. Training on the policy was prepared and delivered to all tower personnel during March-April 2012. All 18 missed approach changes were implemented on April 3, 2012, utilizing Notices to Airmen and formally published on July 26, 2012. National training at every other facility with simultaneous operations similar to Detroit Metropolitan Wayne County Airport has now been completed.

Based on the audit results and a recommendation from the C-QCG, the Director of Terminal Operations, Central Service Area and I have agreed that audits be terminated. We have also jointly agreed that all corrective actions associated with simultaneous operations on the proper application of air traffic policy, Paragraphs 5-8-3 and 5-8-5, are now complete.

If you have any questions or need further information, please contact Herbert King, Terminal Quality Control, at (202) 385-8618 or Herbert.T.King@faa.gov.

Attachment:

cc: Paul J. Sheridan, Director, Central Terminal Operations



Federal Aviation Administration

Memorandum

Date: NOV 16 2012

To: Paul J. Sheridan, Director of Terminal Operations, Central Service Area, AJT-C
Tony Mello, Acting Director of Terminal Safety and Operations Support, AJT-2

From: Anthony D. Roetzel, Manager, Central Service Center, Quality Control Group,
AJV-C1

Subject: Recommend Termination of Audits in Support of Corrective Action Plan at
Detroit Metropolitan Wayne County Airport in Response to Office of Special
Counsel Cases DI-11-1675/1677

This memo delivers our latest written report with audit results and recommended termination of audits in support of the corrective action plan at Detroit Metropolitan Wayne County Airport (DTW) in response to Office of Special Counsel cases DI-11-1675/1677.

The Quality Control Group (QCG) audited DTW's simultaneous operations for over 180 days, beginning March 11, 2012, and has found no indication that DTW has any misunderstanding about the application of national air traffic policies (i.e., FAA Order 7110.65, paragraphs 5-8-3, 5-8-4, and 5-8-5) necessary to safely conduct simultaneous operations and to protect for a missed approach. Although instrument meteorological conditions (IMC) and simultaneous operations were limited by good weather and the loss of one parallel runway during our audit cycle, DTW's record of success is impressive.

The audits accounted for every day over the past 6 months. While the exact circumstances reported by the complainant were not duplicated, similar conditions did exist on occasion. All operations during traffic periods when Simultaneous ILS approaches were in use under IMC were reviewed by the QCG using facility log entries, radar replay, and voice replay to determine if appropriate procedures were being applied, specifically in the event of a go around or missed approach. The audit period accounted for 102,279 arrival operations, with 17,737 of them occurring during IMC.

In addition to the audits, the QCG reviewed training materials related to simultaneous operations at DTW to ensure controller training materials are concise and understandable. The QCG monitored all DTW simultaneous operations periods for a minimum of 14 days following commencement of the corrective action plan and provided feedback to the DTW management team following every period of observed simultaneous operations audited by our office.

As a result of DTW's performance during this audit period and our findings, QCG recommends termination of the on-going audits in support of this corrective action plan and request you communicate your approval to the Director of Safety, ATO Safety and Technical Training, to support the pending status update to the Office of Audit and Evaluation regarding this case.

If you need additional information, please contact Tony Roetzel, Manger. Central Service Center, Quality Control Group, at 817-222-5472.

Attachment: DTW Corrective Action Audit Reports dated June 7, 2012, November 1, 2012, and November 13, 2012

cc: Director, Central Service Center



Federal Aviation Administration

Memorandum

Date: JUN - 7 2012

To: Tony Mello, Acting Director, Terminal Safety and Operations Support Office, AJT-2
Paul Sheridan, Service Area Office for Central Terminal Operations, AJT-C

From: Anthony D. Roetzel, Manager, Quality Control Group, AJV-C1

Subject: Quality Control Group, Detroit Tower 60-Day Audit
RE: OIG Investigation No. 11A003SINV and
OSC Cases DI-11-1675-1677

Executive Summary:

The Air Traffic Organization implemented a Corrective Action Plan (CAP) to address the findings in the Office of Inspector General (OIG) Investigation No. 11A003SINV, the Office of Special Counsel Cases DI-11-1675-1677. In response to the CAP and because of the inconsistent understanding of procedures, along with areas of procedural non-compliance with Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control, paragraph 5-8-5, Departures and Arrivals on Parallel or Nonintersecting Diverging Runways, by the operational personnel at Detroit Metro Tower (DTW), new published missed approach (MA) procedures were developed, operational air traffic personnel were re-trained, and the new MA procedures were implemented on April 2, 2012. Concurrent with the development of the new MA procedures and the re-training of DTW controllers, the Central Service Center's Quality Control Group (QCG) began on-site and remote monitoring of tower cab operations, management logging and reporting of missed approaches, and go-around procedural compliance by the controller staff. The monitoring of the operations at DTW began on December 20, 2011, and concluded on March 31, 2012, concurrent with the completion of the re-training. Additionally, during the period of March 2, 2012, through March 20, 2012, QCG personnel attended and observed the re-training of the controller staff. In response to allegations two and three of the complaint, after the re-training was complete, the QCG conducted audits of radar and voice data to measure the consistent application of FAA Order JO 7110.65, paragraph 5-8-5. Data captured during tower cab monitoring was used to begin a 60-day period of remote auditing which accounted for the timeframe from March 11, 2012, through May 9, 2012.

Allegation 1: *"During simultaneous arrivals and departures on parallel runways at DTW, the air traffic control rule for protecting airspace in the event of a missed approach conflicts with the rule for maintaining radar separation between aircraft."*

Allegation 2: *"DTW controllers have received inadequate guidance concerning the application of rules for protecting airspace in the event of a missed approach and maintaining radar separation during simultaneous arrivals and departures on parallel runways."*

Allegation 3: *"The conflicting rules for protecting airspace in the event of a missed approach and maintaining radar separation have resulted in unreported operational errors at DTW."*

Auditing Methodology:

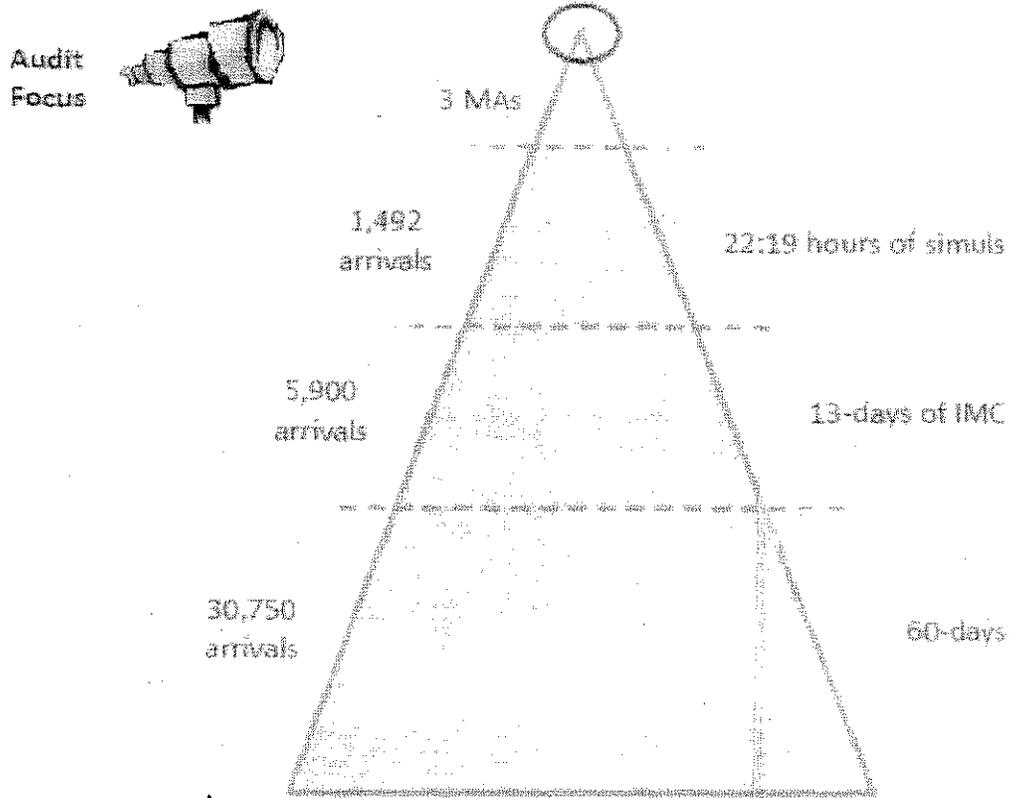
The QCG monitoring and auditing team consisted of personnel experienced in tower operations where simultaneous approaches are conducted. To determine the applicable data-gathering occurrences for auditing, historical weather data was compiled for each day during the audit period. Applicable data-gathering occurrences were defined as Instrument Meteorological Conditions (IMC), during which the use of visual separation standards are prohibited. The primary arrival procedure during the IMC audit sessions were Simultaneous Instrument Landing System (ILS) approaches. Simultaneous ILS approaches provide precision runway monitoring between subsequent arrivals, when conducting dual or triple parallel approaches, which results in increased efficiency and capacity. Weather data was cross-referenced with DTW's FAA Form 7230-4, Daily Record of Facility Operation, log via the Comprehensive Electronic Data Analysis and Reporting tool to identify the precise times when simultaneous approaches were initiated and terminated during IMC. Additionally, per a memorandum from the Central Service Area's Director of Terminal Operations dated April 4, 2012, DTW is required to make an entry onto the FAA Form 7230-4 for occurrences that involve an MA and to retain voice and radar data. Each identified occurrence was reviewed via the National Offload Program, Continuous Data Recording Player Plus (for radar replay), and the Voice Recorder System/Digital Audio Legal Recorder (for voice replay). All applicable occurrences were then reviewed to measure the consistent, correct application of FAA Order JO 7110.65, paragraph 5-8-5, requirements. (For the purposes of this audit, go-arounds and pull-outs were not applicable in regard to the requirements of FAA Order JO 7110.65, paragraph 5-8-5.)

In addition to auditing identified MA occurrences, QCG personnel performed random audits during periods of known IMC while conducting simultaneous ILS approaches. Random audits were independent of events that were annotated on the FAA Form 7230-4.

Audit Findings:

During the 60-day audit period, there were 30,750 arrivals. There were 13 days during which periods of IMC were experienced; this equated to approximately 22 percent of the audit period. During the 13 days in which IMC periods were experienced, simultaneous ILS approaches were in use on 45 separate occasions. Of the 45 occasions where simultaneous ILS approaches were in use, 25 occurred during IMC; this represented approximately 56 percent of the time. Over the 13 days that experienced IMC periods, there were 5,900 arrivals. Of the 5,900 arrivals, 1,492 aircraft participated in simultaneous operations; this comprised about 25 percent of the arrivals.

Missed Approaches at DTW



During the performance of the 60-day audit, data indicated that three MA events occurred. All of the events transpired *prior to* the effective date of the new procedures (April 2, 2012). Of the three MAs, two of the events involved no departures or any other aircraft. Only one MA event occurred during IMC, while simultaneous ILS approaches were in use, with a simultaneous departure aircraft involved. During that event on March 19, 2012, the controller turned the aircraft more than 30 degrees, which exceeded the required separation standard of 30 degrees.

Recommendations:

During the monitoring and auditing period, it appeared that the duplication of the same circumstances that precipitated the event in the OIG complaint would be rare. However, the facility has taken significant measures to ensure that operational personnel are compliant with current requirements while conducting simultaneous ILS approaches on parallel runways during IMC. All operational personnel at DTW have received adequate training on the application of the rules and procedures to be followed during MA. Current data indicates that DTW was in compliance with all applicable requirements throughout the audit period.

Due to the limited opportunities available to assess compliance with FAA Order JO 7110.65, paragraph 5-8-5, and consistent performance by operational personnel, it is recommended that audits continue for a period of not less than 60 days, not to exceed 180 days. A subsequent report of audit findings and results will be completed at the conclusion of each 60-day period.



Federal Aviation Administration

Memorandum

Date: NOV 1 - 2012

To: Tony Mello, Acting Director of Terminal Safety and Operations Support.
AJT-2

From: Paul Sheridan, Director of Terminal Operations, Central Service Area.
AJT-C

Prepared by: Robert A. Owens, Quality Control Specialist, Central Service Area.
AJV-C13

Subject: Quality Control Group, Detroit Tower 60 Day Audit
RE: OIG Investigation No. IIA003SINV and OSC Cases DI-11-1675/1677

Executive Summary:

The Air Traffic Organization (ATO) implemented a Corrective Action Plan (CAP) to address findings in the Office of Inspector General (OIG) Investigation No. IIA003SINV, Office of Special Counsel Cases DI-11-1675/1677. In response to the Corrective Action Plan and because of inconsistent understanding of procedures by Detroit Metro Tower (DTW) operational personnel and areas of procedural non-compliance with FAA JO 7110.65, paragraph 5-8-5, new published missed approach (MA) procedures were developed, operational air traffic personnel were retrained, and the new MA procedures were implemented on April 2, 2012. Concurrent with the development of the new MA procedures and retraining of DTW controllers, the Central Service Center, Quality Control Group (QCG), began on-site and remote monitoring of tower cab operations, management logging and reporting of missed approaches and go-arounds, and procedural compliance by the controller staff. Monitoring of the operations at DTW began on December 20, 2011, and concluded on March 31, 2012, simultaneous to the completion of the retraining. From March 2, 2012, thru March 20, 2012, QCG personnel attended and observed retraining of the controller staff. As required by the CAP and in response to allegations no. 2 and no. 3 of the complaint, the QCG conducted audits of radar and voice data to measure the consistent application of paragraph 5-8-5 after re-training. Data captured during tower cab monitoring was used to begin a 60 day period of remote auditing which accounted for the period from March 11 thru May 9, 2012. A second 60 day period captured data from May 10, 2012, thru July 8, 2012.

Allegation 1: *"During simultaneous arrivals and departures on parallel runways at DTW, the air traffic control rule for protecting airspace in the event of a missed approach conflicts with the rule for maintaining radar separation between aircraft."*

Allegation 2: *"DTW controllers have received inadequate guidance concerning the application of rules for protecting airspace in the event of a missed approach and maintaining radar separation during simultaneous arrivals and departures on parallel runways."*

Allegation 3: *"The conflicting rules for protecting airspace in the event of a missed approach and maintaining radar separation have resulted in unreported operational errors at DTW."*

Auditing Methodology:

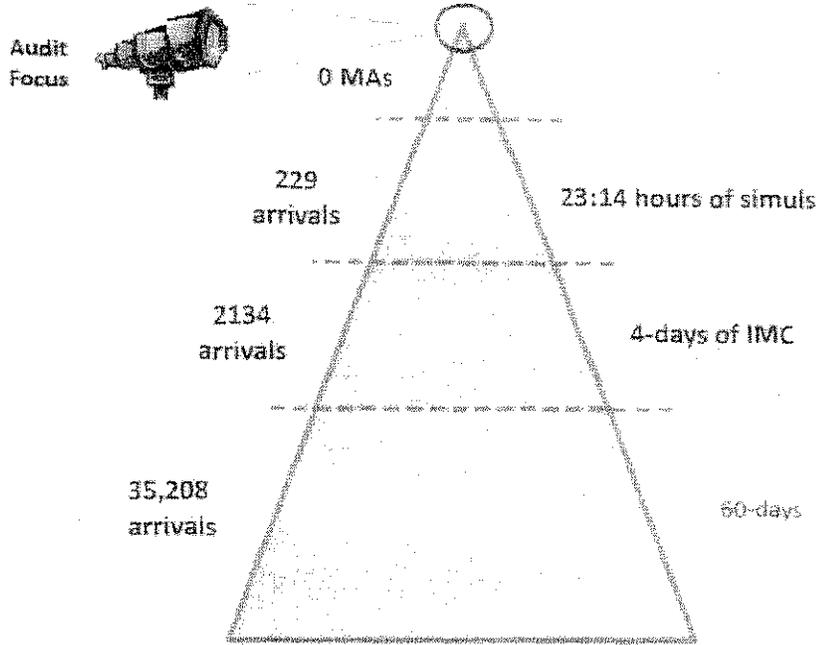
The QCG monitoring and auditing team consisted of personnel experienced with tower operations and simultaneous approaches. To determine applicable data gathering occurrences for auditing, historical weather data was compiled for each day during the audit period. Applicable data gathering occurrences were defined as Instrument Meteorological Conditions (IMC), during which, the use of visual separation standards are prohibited from being applied. The primary instrument approach procedure during IMC audit scenarios was the Simultaneous ILS Approach, which provides precision runway monitoring between subsequent arrivals when conducting dual or triple parallel approaches, resulting in increased capacity and efficiency. Weather data was cross referenced with DTW Daily Record of Facility Operations logs (7230-4) via the Comprehensive Electronic Data Analysis and Reporting tool, to identify the precise times when simultaneous approaches were initiated and terminated during IMC. Additionally, per a memorandum from the Central Service Area, Director of Terminal Operations, dated April 4, 2012, DTW was required to make an entry onto the 7230-4 for occurrences involving a MA. Voice and radar data for the occurrences was also retained. Each identified occurrence was reviewed via the National Offload Program Continuous Data Recording Player Plus for radar replay and the Voice Recorder System/Digital Audio Legal Recorder for voice replay. All applicable occurrences were then reviewed to measure the consistent correct application of FAA JO 7110.65 paragraph 5-8-5, requirements. For the purpose of this audit, go-arounds and pull-outs are not applicable in regard to the JO 7110.65, paragraph 5-8-5.

In addition to auditing identified MA occurrences, the QCG personnel performed random audits of periods of known IMC while conducting simultaneous ILS approaches. Random audits were independent of events that were annotated on the 7230-4.

Audit Findings:

During the second 60 day audit period, there were 4 days that experienced periods of IMC, which equated to approximately 7% of the audit period. During the 4 days where IMC periods were experienced, simultaneous ILS approaches were in use on 14 separate occasions. Of the 14 occasions where simultaneous ILS approaches were in use, 6 occurred during IMC, which represents approximately 43% of the time. Over the 4 days that experienced IMC periods, there were 2134 arrivals. Of the 2134 arrivals, 229 aircraft participated in simultaneous operations, which comprised 10.7% of the arrivals.

Missed Approaches at DTW



While conducting the audit during the second 60 day period, there were no instances where aircraft experienced a MA or a go around during IMC while conducting simultaneous approaches.

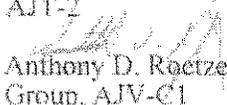


Federal Aviation Administration

Memorandum

Date: NOV 13 2012

To: Paul Sheridan, Director of Terminal Operations, Central Service Area,
AJT-C
Tony Mello, Acting Director of Terminal Safety and Operations Support,
AJT-2

From: 
Anthony D. Roetzel, Manager, Central Service Center Quality Control
Group, AJV-C1

Prepared by: Robert A. Owens, Quality Control Specialist, Central Service Area,
AJV-C13

Subject: Quality Control Group, Detroit Tower 60 Day Audit
RE: OIG Investigation No. 111A003SINV and OSC Cases DI-11-1675/1677

Executive Summary:

The Air Traffic Organization (ATO) implemented a Corrective Action Plan (CAP) to address findings in the Office of Inspector General (OIG) Investigation No. 111A003SINV, Office of Special Counsel Cases DI-11-1675/1677. In response to the Corrective Action Plan and because of inconsistent understanding of procedures by Detroit Metro Tower (DTW) operational personnel and areas of procedural non-compliance with FAA JO 7110.65, paragraph 5-8-5, new published missed approach (MA) procedures were developed, operational air traffic personnel were retrained, and the new MA procedures were implemented on April 2, 2012. Concurrent with the development of the new MA procedures and retraining of DTW controllers, the Central Service Center, Quality Control Group (QCG), began on-site and remote monitoring of tower cab operations, management logging and reporting of missed approaches and go-arounds, and procedural compliance by the controller staff. Monitoring of the operations at DTW began on December 20, 2011, and concluded on March 31, 2012, simultaneous to the completion of the retraining. From March 2, 2012, thru March 20, 2012, QCG personnel attended and observed retraining of the controller staff. As required by the CAP, and in response to allegations no. 2 and no. 3 of the complaint, the QCG conducted audits of radar and voice data to measure the consistent application of paragraph 5-8-5 after retraining. Data captured during tower cab monitoring was used to begin a 60-day period of remote auditing which accounted for the period from March 11 thru May 9, 2012. A second 60-day period captured data from May 10, 2012, thru July 8, 2012. The data below encompasses a third 60-day period from July 9, 2012, to September 6, 2012.

Allegation 1: *"During simultaneous arrivals and departures on parallel runways at DTW, the air traffic control rule for protecting airspace in the event of a missed approach conflicts with the rule for maintaining radar separation between aircraft."*

Allegation 2: *"DTW controllers have received inadequate guidance concerning the application of rules for protecting airspace in the event of a missed approach and maintaining radar separation during simultaneous arrivals and departures on parallel runways."*

Allegation 3: *"The conflicting rules for protecting airspace in the event of a missed approach and maintaining radar separation have resulted in unreported operational errors at DTW."*

Auditing Methodology:

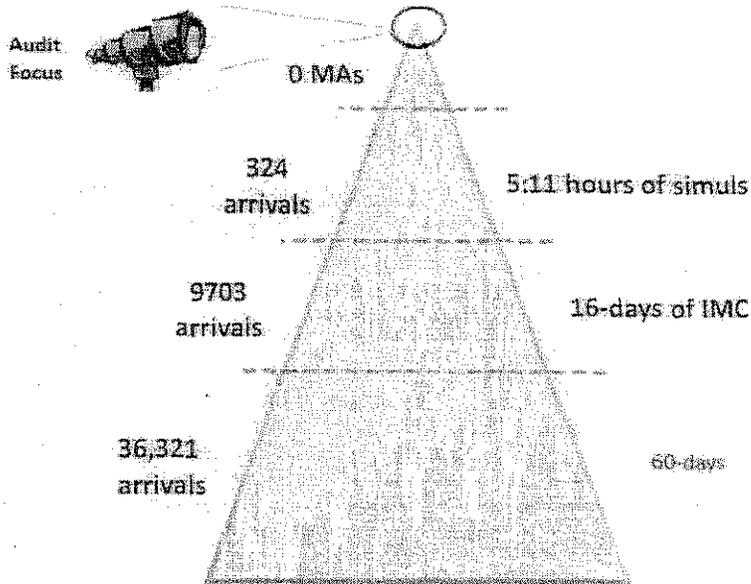
The QCG monitoring and auditing team consisted of personnel experienced with tower operations and simultaneous approaches. To determine applicable data gathering occurrences for auditing, historical weather data was compiled for each day during the audit period. Applicable data gathering occurrences were defined as Instrument Meteorological Conditions (IMC), during which the use of visual separation standards are prohibited from being applied. The primary instrument approach procedure during IMC audit scenarios was the Simultaneous ILS Approach, which provides precision runway monitoring between subsequent arrivals when conducting dual or triple parallel approaches, resulting in increased capacity and efficiency. Weather data was cross referenced with DTW Daily Record of Facility Operations logs (7230-4) via the Comprehensive Electronic Data Analysis and Reporting tool, to identify the precise times when simultaneous approaches were initiated and terminated during IMC. Additionally, per a memorandum from the Central Service Area, Director of Terminal Operations, dated April 4, 2012, DTW was required to make an entry onto the 7230-4 for occurrences involving a MA. Voice and radar data for the occurrences was also retained. Each identified occurrence was reviewed via the National Offload Program (NOP), Continuous Data Recording Player Plus for radar replay and the Voice Recorder System/Digital Audio Legal Recorder for voice replay. All applicable occurrences were then reviewed to measure the consistent correct application of FAA JO 7110.65 paragraph 5-8-5, requirements. For the purpose of this audit, go-arounds and pull-outs are not applicable in regard to JO 7110.65, paragraph 5-8-5.

In addition to auditing identified MA occurrences, the QCG personnel performed random audits of periods of known IMC while conducting simultaneous ILS approaches. Random audits were independent of events that were annotated on the 7230-4.

Audit Findings:

During the third 60-day audit period, there were 16-days that experienced periods of IMC, which equated to approximately 27 percent of the audit period. During the 16-days where IMC periods were experienced, Simultaneous ILS Approaches were in use on 61 separate occasions. Of the 61 occasions where Simultaneous ILS Approaches were in use, 12 occurred during IMC, which represents approximately 20 percent of the time. Over the 16-days that experienced IMC periods, there were 9,703 arrivals. Of the 9,703 arrivals, 324 aircraft participated in simultaneous operations, which comprised 3.33 percent of the arrivals.

Missed Approaches at DTW



While conducting the audit during the third 60 day period, there were no instances where aircraft experienced a missed approach or a go around during IMC while conducting simultaneous approaches.