



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300

Washington, D.C. 20036-4505

The Special Counsel

August 1, 2006

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-05-1175

Dear Mr. President:

I received a disclosure of information from Mr. Anthony Yoder. Since 1989, Mr. Yoder has been a Production Supervisor at the U.S. Department of the Navy, Naval Aviation Depot, Marine Corps Air Station Cherry Point (NADEP CP), North Carolina. Mr. Yoder disclosed a violation of law, rule or regulation and a substantial and specific danger to public safety due to deficient testing procedures for the exhaust diffuser main repairable assembly (exhaust diffuser MRA), a component of the F402-RR-408A/B jet engine used in the U.S. Marine Corps' AV8B Harrier.

I required the Secretary of the Navy to conduct an investigation into these disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary tasked the Inspector General with conducting the investigation and writing the report.

As discussed further in the attached report, the Navy substantiated Mr. Yoder's allegations but determined that no recall of engines or engine components was necessary because the deficient testing did not pose a danger to the fleet. Mr. Yoder commented on the report.

NADEP CP's Shop No. 96556 is responsible for the repair and overhaul of the F402-RR-408A/B jet engine. Mr. Yoder alleged that shortly after he became the Production Supervisor in Shop 96556, he documented a testing procedure that did not conform to the testing procedures set forth in the technical manuals. The Navy mechanics, known as artisans, were using an oil squirt can instead of the lube supply flow tester, a machine used to test the oil flow of the exhaust diffuser MRAs. Upon learning of the non-conforming testing procedure, Mr. Yoder directed the artisans to stop using the oil squirt can and to use only the lube supply flow tester pending clarification from the Engineering Department.

The President

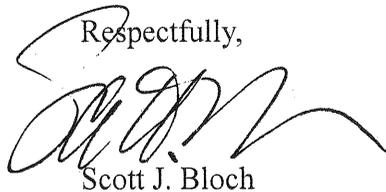
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Mr. Yoder then submitted a request for engineering instruction (REI) to the Engineering Department for clarification and approval of the non-conforming procedure. Mr. Yoder alleged to OSC that REI L1084, which requested clarification on the propriety of using the oil squirt can had not been fully resolved. Mr. Yoder alleged that no Corrective Action Request (CAR) had been generated to determine whether or not a recall of engines serviced with the non-conforming procedure was necessary. Mr. Yoder alleged that REI L1084 involved flight critical equipment.

After a thorough investigation, the Navy substantiated the allegations. First, the Navy found that the artisans' use of an oil squirt can to perform the functional test on the exhaust diffuser MRA was improper. Second, the Navy found that NADEP CP Quality Assurance (QA) personnel violated the QA procedures, specifically NAVAVNDEPOSINST 4855.8A, when they failed to issue a CAR to determine if a recall of Harrier jet engines which contained exhaust diffuser MRAs tested by the oil squirt can was necessary. Significantly, the report disagrees with Mr. Yoder's contention that the testing was flight critical. On the contrary, the report emphasizes that the deficient testing did not pose a risk of loss of aircraft because the engine cells undergo comprehensive testing prior to reinstallation on the aircraft. This subsequent testing would have revealed any problems with the engine.

I have reviewed the original disclosures and the agency's report. Based on that review, I have determined that the agency's report contains all of the information required by statute and that its findings appear to be reasonable. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report and Mr. Yoder's comments to you and the Chairmen of the Senate Committee on the Armed Force and the House Armed Services Committee. Finally, I have filed a copy of the report and Mr. Yoder's comments in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Bloch', is written over the typed name. The signature is fluid and cursive.

Scott J. Bloch

Enclosures