



**U.S. OFFICE OF SPECIAL COUNSEL**  
**1730 M Street, N.W., Suite 300**  
**Washington, D.C. 20036-4505**

**The Special Counsel**

January 8, 2025

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

Re: OSC File No. DI-23-000742

Dear Mr. President:

I am forwarding to you a report transmitted to the Office of Special Counsel (OSC) by the Department of Transportation (DOT) in response to a disclosure of wrongdoing at the Federal Aviation Administration (FAA), Minneapolis-St. Paul International Airport (MSP), Air Traffic Control Tower, Minneapolis, Minnesota. I have reviewed the disclosure and agency report and, in accordance with 5 U.S.C. § 1213(e), have determined that the report contains the information required by statute and the findings appear reasonable.<sup>1</sup> The following is a summary of those findings. The whistleblower declined to comment on the report.

The whistleblower, who chose to remain confidential, alleged that converging runway operations (CRO) at MSP do not comply with aircraft separation requirements in FAA Order 7110.65 and pose a safety hazard for arriving and departing aircraft. The MSP Air Traffic Control Tower utilizes runways 35, 30L, and 30R for arriving aircraft, and runways 30L and 30R for departing aircraft. Runway 35 does not physically intersect with runways 30L or 30R; however, the runways are considered non-intersecting converging runways because the flight paths of aircraft intersect less than one nautical mile (NM) from the departure ends of each runway. During CRO, the MSP Air Traffic Control Tower uses aids, such as specific weather and staffing requirements and the use of Arrival-Departure Windows (ADWs), to ensure safe spacing and mitigate risk between arriving and departing aircraft.<sup>2</sup>

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<sup>1</sup> The whistleblower's allegations were referred to Secretary of Transportation Pete Buttigieg for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The FAA Office of Audit and Evaluation conducted the investigation. Secretary Buttigieg delegated the authority to review and sign the agency report to DOT Principal Deputy General Counsel Sarah Baker. Such a delegation would, in the future, not be consistent with proposal I announced in August 2024 that agencies should fulfill the Congressional mandate in 5 U.S.C. § 1213(d) that the report "shall be reviewed and signed by the head of the agency."

<sup>2</sup> ADWs are a decision aid for controllers to help mitigate the hazard that occurs when there is an unanticipated go-around in the vicinity of a departing aircraft. ADWs are a predetermined section of airspace on the approach path

The whistleblower alleged the mitigation aids in use at MSP are not sufficient to prevent conflicts between arriving and departing air traffic on runways 35, 30L, and 30R. The whistleblower indicated that the use of CRO at MSP was discontinued in early 2020 due to a decrease in traffic levels and staffing limitations. The whistleblower alleged MSP leadership prematurely re-implemented CRO in June 2023 without conducting a safety analysis to address the effect of wake turbulence between a heavy aircraft departing on runway 30L and an aircraft arriving on runway 35. In addition, the whistleblower alleged MSP leadership failed to conduct an ADW study that addresses the simultaneous runway operations.

The agency did not substantiate the whistleblower's allegations. The investigation found that the ADWs at MSP meet the FAA Target Level of Safety (TLS) standard, as described in the report. During the 2020-2023 discontinuation period, FAA's Flight Technologies and Procedure Division remodeled the ADW to include a more accurate fleet mix, specifically to include propeller-driven aircraft, and ensure compliance with the TLS standard. As a result, the ADW for runway combination 35/30L was increased from .4 - 1.8 NM to .39 - 2.26 NM and the ADW for runway combination 35/30R was increased from .2 - 1.7 NM to .32 - 2.35 NM.<sup>3</sup>

In the fall of 2022, a work group developed revised Standard Operating Procedures (SOP) utilizing the new ADW parameters. The new SOP also included adjustment to other mitigation aids, such as limiting heavy jet and propeller-driven aircraft arrival to the parallel runways; implementing a "heavy jet gap" request for a heavy aircraft departure from Runway 30L, which will provide approximately seven miles of separation on the converging Runway 35 arrival in the event of a go-around; increased weather minimums for use of CRO; and new requirements to suspend CRO for wind shear reports. These aids reduce the probability of missed approach go-arounds by arriving aircraft.

The FAA also reported that a wake turbulence study was only recommended to assess the unknown impacts of wake turbulence if MSP decided to implement an early turn option for missed approaches. Because MSP elected not to use the early turn option, the FAA determined the wake turbulence study was unnecessary. Finally, Quality Control department audits revealed there were no Mandatory Occurrence Reports filed reporting a loss of separation during the use of CRO procedures or ADWs since August 2023.

I thank the whistleblower for bringing these safety-related allegations to OSC and appreciate that the FAA has taken steps to ensure safe operations at MSP. As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter and the agency report to the Chairs and Ranking Members of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure. I have also filed a copy of these

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to a runway that is required to be clear of arriving aircraft before a departing aircraft can begin a take-off roll on a converging runway. The window ensures that the arriving and departing aircraft remain at a safe distance from one another, even if the arriving aircraft must discontinue its landing.

<sup>3</sup>Both ADWs are in reference to Runway 35's arrival threshold.

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documents and the redacted 1213(c) referral letter in our public file, which is available at [www.osc.gov](http://www.osc.gov). This matter is now closed.

Respectfully,

A handwritten signature in cursive script that reads "Hampton Dellinger".

Hampton Dellinger  
*Special Counsel*

Enclosure