



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

**GENERAL COUNSEL**

1200 New Jersey Ave. SE  
Washington, D.C. 20590

May 21, 2010

Karen Gorman, Esq.  
Deputy Chief, Disclosure Unit  
U.S. Office of Special Counsel  
1730 M Street, NW, Suite 300  
Washington, DC 20036-4505

Re: OSC File No. DI-08-3157 and DI-08-2777

Dear Ms. Gorman:

This is to follow up on your recent request for supplemental information in the above-referenced matter. Attached please find a May 20, 2010 memorandum from the Office of Inspector General, to whom the Secretary delegated the investigation. Please treat this memorandum as our supplemental report.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith S. Kaleta".

Judith S. Kaleta  
Assistant General Counsel for General Law

Attachment



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation  
Office of Inspector General

# Memorandum

Subject: ACTION: OIG Investigation #I09Z000011SINV,  
Re: Air Traffic Management at Detroit Wayne  
County Metropolitan Airport  
OSC File No. DI-08-3157 and DI-08-2777

Date: May 20, 2010

From: Robert A. Westbrooks   
Acting Assistant Inspector General  
for Special Investigations and Analysis, JI-3

Reply to  
Attn. of: R. Engler

To: Judith S. Kaleta  
Assistant General Counsel for General Law  
Office of General Counsel

This memorandum/supplemental report follows up on emails to the Department from U.S. Office of Special Counsel (OSC) dated April 14, 2010, requesting additional information from the Office of Inspector General's (OIG) investigation into aviation safety concerns at Detroit Wayne County International Airport's Air Traffic Control Tower. We respectfully request that you forward this information to OSC.

1. **OSC request:** "The report and FAA's memorandum concurring in the findings states that Detroit management took administrative action pertaining to Front Line Manager Kevin Barttelt. What administrative action was taken and what were the charges that formed the basis for the action? Please provide a copy of the notice of disciplinary action."

**OIG response:** In a memorandum dated August 6, 2008, then Detroit Air Traffic Control Tower Operations Manager Kevin Grammes proposed that Mr. Barttelt serve a seven calendar day suspension for directing three Southwest Flow departures on July 21, 2008, in violation of DTW Notices 7110.156 and 159 and written guidance from the Operations Manager. After considering Mr. Barttelt's response to the proposed suspension, Mr. Grammes notified Mr. Barttelt in an August 31, 2008, memorandum that he would serve a five calendar day

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suspension. The public release of an employee discipline letter is a privacy matter to be addressed through the FAA Office of the Chief Counsel.

2. **OSC request:** "The Investigative Report . . . states that DTW Operations Manager Kevin Grammes, via an April 21, 2008 e-mail, advised the facility's front line managers that DTW Notice N7110.156 should be used when departing heavy jets from Runway 22L. Please provide a copy of that email."

**OIG response:** A copy of the email is enclosed as Attachment 1.

3. **OSC request:** "The whistleblowers alleged that FAA officials failed to investigate additional operational errors or deviations that occurred on July 21, 2008, concerning the Boeing 747 departures and Runway 27L arrivals (Allegation 2 in the Investigative Report). The report found that although six additional violations of DTW Notice N7110.156 were substantiated by the investigation, none were operational errors or deviations. The report also states that the Detroit Support Manager for Quality Assurance and Training 'could not specifically recall why the relevant documents mentioned only one arrival flight for each of the Boeing 747 departures when, in reality, three arriving aircraft entered the Runway 27L final approach fix before each of the Boeing 747 aircraft crossed the Runway 27L extended centerline.'

Notwithstanding the report's finding that these additional violations did not violate a national order, and thus were not reportable to FAA Headquarters, the report does not fully address the allegation that these incidents were not investigated in any manner. Nor does the report reflect that any employee was held accountable for this failure. We understand that FAA officials have determined that a violation of local, and not national, standards would not result in the classification of the event as an operational error or deviation; nevertheless, our whistleblowers report that controllers are regularly charged with operational deviations for violations of local orders. Please clarify: (a) whether any action is required by the facility when a local order is violated, and if so, why no action was taken with respect to the six additional violations identified; (b) whether the policy regarding local vs national orders is uniformly applied at Detroit; and (c) whether any administrative action was considered with regard to the missed violations (particularly in view of the subsequent finding that the Quality Assurance procedures were lacking)."

**OIG response:**

(a) We found no order, rule, or regulation that *requires* Detroit officials to take action against an employee for violating a local order; it is within management's

discretion to take such action. Motown District Manager Joseph Figliuolo told the OIG investigator he will not take additional action against Mr. Barttelt (beyond that listed in #3 above) because: (i) the six other violations of the same local order stemmed from the departure of the same three heavy jets; (ii) Mr. Barttelt has already served a suspension for his violation of that order during the departure of those jets; and (iii) it would be inappropriate to take further action for events that occurred almost two years ago.

(b) FAA Order 7210.56C, Chapter 5, defines an operational deviation. A violation of a local order is not necessarily an operational deviation, unless the same event is also a violation of 7210.56C. Should a controller violate both a local order and 7210.56C during the same event, the controller would be charged with an operational deviation in violation of both the national and local order.

Mr. Figliuolo advised that the facility uniformly applies the policy on violations of local vs. national orders. We found no evidence that Detroit officials incorrectly charged controllers with operational deviations for violating local orders.

Mr. Figliuolo stated that even if Detroit officials allegedly incorrectly charged a controller with an operational deviation for violating a local order, the alleged deviation was independently reviewed outside the facility and subject to reversal. The Operations Evaluation Team Manager for the Central Service Area Quality Control Group confirmed that, at the time of our investigation into this matter, her group would have reviewed all operational deviations reported within the Central Service Area. According to the Operations Evaluation Team Manager, her group received paperwork from the reporting facility, asked follow-up questions, briefed the FAA Air Traffic Organization - Office of Safety (ATO-Safety) in Washington, DC, and then reviewed the data of the incident with ATO-Safety before determining whether an operational deviation occurred.

(c) Mr. Figliuolo told OIG that it was during our May 2009 site visit to Detroit that he first became aware of our finding that the Quality Assurance Manager — who reviewed the data tapes of July 21, 2008, and submitted the operational error paperwork — failed to identify the six additional violations of local order DTW N7110.156. According to Mr. Figliuolo, he subsequently advised the Quality Assurance Manager of our finding and counseled him and instructed him that, in the event of any similar events in the future, he should look for preceding and subsequent aircraft in violation of a local order rather than only the lead aircraft that is allegedly in violation.

Additionally, subsequent to our site visits for this matter, the Quality Assurance Manager developed a new Quality Assurance Review Directive and Reporting Form that became effective June 8, 2009. Although the July 21, 2008, incident was not reported through the Quality Assurance Review process because it was an operational error or deviation, the process is a common mechanism through which alleged violations of local orders are investigated. The FAA Central Service Area Safety Assurance Group determined that the new Quality Assurance Review Directive is adequate, and the Central Service Area Director described the new Quality Assurance Review process as "very robust." Further, the Quality Assurance Department contracted with a former front line manager at Detroit to review the violations alleged in Quality Assurance Review Reports. According to Mr. Figliuolo, this Quality Assurance official has also been instructed to pay attention to the aircraft that precede and follow any aircraft that have been reported as violating a local order. In addition, management has provided training and briefings to employees on the requirements for reporting and properly investigating violations or concerns

4. **OSC request:** "Allegation 3 was not substantiated, because the runways involved in the July 21 Boeing 747 departures do not intersect or have intersecting flight paths, wake turbulence requirements do not apply, and there was no resultant violation of FAA Order 7110.65 (Page 4). In addition, the report concludes that because no go-arounds occurred that day, 'the complainants' concerns regarding that possibility are not applicable to the events of July 21, 2008. (Page 11)

The investigation did substantiate violations of Notice N7110.156, a local order. The report refers to training records, including the April 21, 2008 email requested above, which reference the need to provide sufficient gaps for aircraft using Runway 27L so that the heavy jet departing Runway 22L has crossed the 'Runway 27L extended centerline before arriving aircraft have reached the Runway 27L final approach fix.' (Page 6) This implies that the flight paths of Runways 22L and 27L are intersecting flight paths. The report also states that Mr. Grammes has verbally re-briefed al[1] five of DTW's front line managers concerning compliance with local Notice N7110.156. Please clarify: (a) what the verbal re-briefing consisted of, and how the reference to intersecting flight paths in the training records was reconciled with the determination that FAA Order 7110.65 does not apply; and (b) whether, if go-arounds had occurred on that day, FAA Order 7110.65 would have applied.

In other words, there always exists the possibility for go-arounds, and in those cases would the flight paths (as defined in your prior Technical Investigative

Report in OSC File Nos. DI-08-0591 and DI-08-1696, page 9, fn 11) intersect, and thus wake turbulence requirements apply?"

**OIG response:**

(a) Facility officials provided us with a July 31, 2008, memorandum from Mr. Grammes to the front line managers stating: (i) Notice N7110.156 must be followed when launching heavy jets from Runway 22L during a West Flow and (ii) Runway 22L departures must be past the Runway 27L extended centerline before the next arrival to Runway 27L reaches the final approach fix. This language addresses the violations that occurred on July 21, 2008, and each of the front line managers signed the memorandum acknowledging they were verbally briefed as well.

Additionally, our report does not state that FAA Order 7110.65 does not apply to the incidents of July 21, 2008; the order always applies to all air traffic operations. More precisely, our report states that the paragraphs of 7110.65 that the whistleblower alleges were violated on July 21, 2008, paragraphs 3-9-8 and 3-10-4, do not apply because they concern intersecting runways or runways with intersecting flight paths. Neither of those conditions applies to Runways 22L and 27L. Whether the local order "implies" Runways 22L and 27L have intersecting flight paths is not pertinent for determining a violation of FAA Order 7110.65. Nevertheless, the facility's local order requirement goes beyond the national standards found in FAA Order 7110.65, and it is the local order that Mr. Bartelt violated.

(b) FAA Order 7110.65 applies during all air traffic operations, including in the event of go-arounds, and our report did not state otherwise. As mentioned above, however, paragraphs 3-9-8 and 3-10-4 would not apply to go-arounds from Runway 27L because that runway and Runway 22L do not intersect or have intersecting flight paths.

Further, FAA Order 7110.65 does not provide specific instructions for dealing with go-arounds. In that vein, paragraph 2-1-2 notes:

Because there are many variables involved, it is virtually impossible to develop a standard list of duty priorities that would apply uniformly to every situation. Each set of circumstances must be evaluated on its own merit, and when more than one action is required, controllers shall exercise their best judgment based on facts and circumstances known to them. That action which is most critical from a safety standpoint is performed first.

Further, the order provides additional general guidance that applies to go-arounds, as well as wake turbulence. Paragraph 1-1-1, for example, states, "Controllers are required to be familiar with the provisions of this order that pertain to their operational responsibilities and to exercise their best judgment if they encounter situations that are not covered by it." Additionally, 7110.65, paragraph 2-1-20b, instructs controllers to "[i]ssue cautionary information to any aircraft if in your opinion, wake turbulence may have an adverse effect on it. When traffic is known to be a heavy aircraft, include the word 'heavy' in the description."

FAA is still working on more specific instructions for dealing with go-arounds and wake turbulence. In the meantime, controllers at Detroit are expected to be aware of the guidance provided in FAA Order 7110.65, including the requirement to use their best judgment to apply safe separation during, for example, a go-around and to minimize the adverse affects of wake turbulence in such an instance.

5. **OSC request:** "FAA's memorandum Dated December 14, 2009 references an attachment: 'MSP instructions to operational personnel regarding use of wind sensors.' Please provide a copy of the attachment."

**OIG response:** A copy of the attachment is enclosed as Attachment 2.

If you have any questions or concerns, please contact me at (202) 366-1415, or Director of Special Investigations Ronald Engler at (202) 366-4189.



Kevin Grammes/AGL/FAA  
TCL-DTW, Detroit Metro  
ATCT, MI

04/21/2008 06:18 AM

To  
cc  
bcc Cliff Auxier/AGL/FAA@FAA; Thomas  
Boland/AGL/FAA@FAA; Gary F Ancinec/AGL/FAA@FAA;  
John Guth/AGL/FAA@FAA; Joseph Figliuolo/AGL/FAA  
Subject NE FLOW

SUPES-

Welcome to another round of runway closures.

A couple things to remember:

### 1. NO SW FLOW!

We are working through some solutions to the issues raised by AOV. But SW flow will not be in place anytime soon.

Also remember the guidance when transitioning from south flow to west flow and back. A new notice will be out clarifying that the same limitations are in place for RY27R arrivals as well as 27L.

### 2. WEST FLOW

When WINDS dictate a west flow we can still depart RY22R, please ensure when running this configuration you have the ceiling and visibility to provide visual separation between departures off of RY22R and any missed approaches on RY27L and 27R until another form of separation can be accomplished.

Also if you have the few HEAVYS that require RY22L for departure use the guidance that was put out in regards to transitioning between flows.

IN other words coordinate for a large enough gap on both RY27L and 27R that allows the heavy to be airborne and crossed the 27'S before the arrivals are at the FAF.

### 3. NE FLOW

This was worked on last year and run successfully. The expectation is we will utilize NE flow to alleviate departure delays.

Coordination with NWA ramp to ensure aircraft have the numbers and taking some aircraft out the south side will make this run smoothly.

This was designed to depart RY3L and 9R and land RY4L and 4R. With the occasional long haul off a gap on 4R.

We should not be landing 3L and departing 9R!

NE FLOW was incorporated in the recent SOP update and a refresher briefing was placed in the tower, please ensure everyone has the briefing prior to working position.

Kevin J. Grammes  
Operations Manager, DTW ATCT  
(Office) 734-955-5025  
(Cell) 517-403-9345

- f. Meriden Tower: MSP 184051; 1827 ft.\*
- g. Rosemont Tower: MSP 144014; 1753 ft.
- h. River Falls Tower: MSP 080025; 1580 ft.
- i. Mayer Tower: MSP 273030; 1649 ft.\*
- j. IDS Building: MSP 338005; 1743 ft.

\*Not depicted on video maps.

#### **14-6. Video Map Alignment.**

a. Controllers are not required to perform video map alignment checks. The ASR-9 is a Digital Terminal Automation System (DTAS) that performs continuous self-alignment checks.

b. Technical Operations personnel also monitor radar alignment using the following indicators:

(1) For primary radar, MTI reflectors are observed adjacent to the Runway 30R threshold and on the Runway 4 final approach course at .5 NM.

(2) For secondary radar, permanent beacon targets (parrots) are monitored at MSP 078050 (code 1275) and MSP 243031 (code 1273).

#### **14-7. Designated Operational Wind Source.**

a. The Automated Surface Observing System (ASOS) shall be the official primary wind source used for operational purposes.

b. The Terminal Doppler Weather Radar (TDWR) shall be the official primary gust front and microburst source for operational purposes.

c. In the event the ASOS is not available, the TDWR shall become the official wind source for operational purposes.

**14-8. NOTAM Information System.** The following procedures and responsibilities define inter/intrafacility NOTAM distribution and are supplemental to the procedures contained in FAA Order 7930.2, Notices to Airmen (NOTAMs).

a. NOTAMs are generally received via FAX, website(s) access and the "Notice to Airmen" publication, and through the MOCC and Lockheed Martin Flight Services, Central Service Area Fort Worth Hub.

b. The primary method of NOTAM distribution shall be the IDS4. If the IDS4 is unavailable, the Cab and TRACON FLM/CICs shall ensure distribution is accomplished manually to all affected positions and facilities.