



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-254-3600

March 11, 2010

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

Re: OSC File Nos. DI-08-0591 and DI-08-1696

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), the Office of Special Counsel is forwarding to you agency reports concerning disclosures from Vincent Sugent, a whistleblower at the Department of Transportation (DOT), Federal Aviation Administration (FAA), Detroit Metropolitan Airport (DTW), Detroit, Michigan. Mr. Sugent, who consented to the release of his name, alleged that DTW management operated an air traffic approach and departure configuration known as the "Southwest Flow" in an unsafe manner and in violation of FAA policy. Mr. Sugent also alleged that management guidance to controllers for directing traffic on an airport taxiway was contradictory and unclear, and that procedures for segregating jet and propeller aircraft departures were unsafe. Finally, Mr. Sugent alleged that FAA managers provided false information to Senator Carl Levin in response to an inquiry about the safety of the Southwest Flow.

The whistleblower's allegations were referred to the Honorable Mary E. Peters, then Secretary of Transportation, to conduct an investigation into these disclosures pursuant to 5 U.S.C. § 1213(c) and (d). Secretary Peters tasked the investigation of the matter to the Honorable Calvin Scovell, III, DOT Inspector General. OSC received a report dated June 10, 2009, from the Honorable Ray LaHood, Secretary of Transportation, and supplemental reports on September 23, 2009, and February 1, 2010, from DOT's Office of General Counsel.

As discussed in the enclosed Analysis of Disclosures, the agency investigation substantiated nearly all of Mr. Sugent's allegations. The OIG found that for a period of approximately six months, a critical segment of DTW's "Southwest Flow" operation was often non-compliant with FAA Order 7110.65, which prescribes aircraft separation standards for intersecting runways, thus allowing a potentially unsafe condition to persist, in part as a result of DTW management's failure to provide controllers with proper instruction on its safe operation. The OIG also determined that for two months during the same time period as referenced above, DTW Operations Manager Kevin Grammes, knowingly allowed the non-compliant operation to occur.

The reports also substantiated that DTW managers provided wording for FAA's September 2007 response to an inquiry from Senator Levin that was, at a minimum, disingenuous. FAA sent a clarifying letter to Senator Levin in April 2008, only after OSC referred Mr. Sugent's concerns for investigation. The reports also found that the "hold short" lines on Taxiway Quebec, and as depicted on controller monitor screens, were insufficient for controllers to

comply with DTW guidance for directing traffic on this taxiway. In addition, DTW's guidance and Operating Manual contain contradictory language, which creates confusion for controllers. Finally, the reports found that DTW management has not implemented necessary changes to written guidance provided to controllers for segregating jet and propeller aircraft departures.

FAA pledged to take appropriate corrective and administrative action in response to the findings of the report. DTW has ceased operation of the Southwest Flow, the DTW managers have been counseled, and changes have been made to FAA and DTW guidance concerning Taxiway Quebec and jet and propeller departures.

Mr. Sugent provided comments on the reports. As required by law, 5 U.S.C. § 1213(e)(3), we are now transmitting to you the report, two supplemental reports, and the whistleblower's comments. We have reviewed the original disclosures, the agency's report and supplemental reports, and the whistleblower's comments. Based on that review, OSC has determined that the agency reports contain all of the information required by statute, and that the findings of the agency head appear reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), we have sent copies of the reports and Mr. Sugent's comments to the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure and the Chairman and Ranking Member of the Senate Committee on Commerce, Science and Transportation. We have also filed copies of the reports and the whistleblower's comments in our public file and closed the matter.

Respectfully,



William E. Reukauf  
Associate Special Counsel

Enclosures