

Vincent M. Sugent
7768 Pleasant Lane
Ypsilanti, MI 48197
November 5, 2009

Karen Gorman
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D. C. 20036-4505

Dear Karen,

This is now the third round covering data received from the Agency over the Southwest Flow. The data reviewed shows more of the same high level of ineptness and deception of the Agency. I once again appreciate your time, effort and stamina with these issues. I will be brief so as to keep the process moving forward.

Mr. Grammes' May 20, 2009 email starts off with not one individual identified in the "to, cc or bcc" portion of the header. In the email from Debra Rosen it is stated that an internal email was sent to the front line managers, (FLM), with specific prohibition on conducting the Southwest Flow. Mr. Grammes' May 20 email looks more like a document, not an email. Attachment one is a February 12, 2009 internal email covering the Southwest Flow and it does not look anything like the May 2009 email offered by Ms. Rosen. It is clear that Mr. Grammes' addressed the FLM's in February 2009, so I cannot figure out why the May 20 document was offered as proof of direction instead of the February 12 email. When you gave me the email from Ms. Rosen it had names and/or addresses in the "from, to and cc" portion of the header as does attachment one. The May 20 document does not even have a "from" with a sender listed.

The Northeast Flow is also mentioned in the May 20 document and although it has been raised in another disclosure, I only reference it as an example of Mr. Grammes' incompetence. Briefings began in June 2009 covering our new pull-out procedures to include the Northeast Flow. In the May 20 document Mr. Grammes states that the Northeast Flow has been dropped from the D21 SOP. Mr. Grammes was the D21 and DTW OM in July/August 2009 until his DTW OM replacement arrived. Why would he update the towers SOP covering the Northeast Flow and let it drop from the TRACON's? He knew about it on May 20, 2009, so why not remove the towers procedure or update the TRACON's. We cannot conduct the Northeast Flow with only one facility having it in their SOP, so why one facility would be carrying it as a viable option and not the other is baffling. Mr. Grammes knew about the difference, but he elected to brief the controllers anyway.

This is where I am going with the Northeast SOP briefing. The FAA Tech Report covering the Southwest Flow states on page seven (7), *"According to Mr. Grammes, management conducted the briefings in order to apprise ATCT personnel of what DTW*

contemplated in the event that it obtained the waiver. Nevertheless, Mr. Grammes acknowledged, "I actually thought this was a little bit silly, to brief something that we're not going to do. That we're under the idea that we're going to get a waiver." He added, "We hadn't even started the waiver process. So, it was going to be a long time coming. So, I was not really comfortable, you know, putting this out." What is the difference between the Northeast and Southwest Flow briefing? Both are silly and he should have been just as uncomfortable allowing the Northeast Flow briefings to be conducted as the Southwest Flow briefings, but he was not. Obviously he has not learned his lesson, the counseling did not work and he is not qualified for his position.

The following portion of the response will cover Ms. Rosen's September 23, 2009 email:

Senator Levin – In Ms. Rosen's email she states that a status report will be provided by the end of October if a determination covering the clarification to Senator Levin was not completed. I do not believe that a determination or a status report has been provided.

Recommendation 2(a) – The response really does not answer the question. A review is not an investigation. Secretary LaHood's June 10, 2009 letter to Mr. Reukauf states, "Although the Acting Administrator concluded that these managers misunderstood information verbally briefed to them by FAA's audit group, and thus did not intend to mislead Senator Levin, OIG found they nonetheless waited nearly 7 months after receiving the audit report to provide Senator Levin with corrected correspondence." If there was not a separate investigation by the FAA, then how did the Acting Administrator come to this conclusion? In the first response Ms. Rosen states that the matter is under active review. We now have another review. So I am assuming that a report will not be generated because this is just a review.

Recommendation 2(b) – Once again Ms. Rosen did not answer the portion of the question that addresses the follow-up consistent with Secretary LaHood's request. I think that it is utterly appalling that the Agency only provided Senator Levin with their response to the OIG findings. The Agency's response does not provide Senator Levin with an accurate depiction and totality of what has taken place.

Recommendation 4 – I do not know of any October 2009 AOV audit conducted at the facility concerning the OIG report.

Page 10 of the OIG Report – There are still some issues over briefings and Read & Initial items. During the briefings by Raytheon, controllers are not allowed to ask questions during or after the briefing of the person conducting the briefing. We have to go back to our supervisor for clarification and questions. This seems odd given the fact that upper management blames the supervisors for past inconsistent guidance. Ms. Rosen states, "Grand specified that the verbal briefings conducted by Raytheon are those that constitute a new procedure, a change in operating procedure, or are open to interpretation or not strictly fact-based." I am not sure what Ms. Rosen means by "or are open to interpretation or not strictly fact-based." Ms. Rosen goes on to state, "He stated that DTW management, primarily himself along with consultation from the

TRACON and Tower Operations Managers, decide which verbal briefings Raytheon will brief.” Then Ms. Rosen states, “*...implemented this policy to standardize the consistency of the verbal briefings received by operational personnel.*” What kind of consistency is that? Upper management states they will use Raytheon for consistency, but then will choose which verbal briefings they will give.

There are five ways we can receive information. 1. Raytheon. 2. The Read & Initial binder. 3. Self briefing guide. 4. Computer base instruction. 5. Given a face to face briefing from the upper management named inconsistency guidance providing supervisors. How pathetic is it that upper management blames their supervisors for their ineptitude. Local information for briefings is still provided by the same individuals regardless of what venue is used for distribution. Read & Initial entries are corrected via pen and ink after people have initialed off on them. Corrections still need to be done to briefings and Read & Initial items and then re-addressed.

Page 13 of the OIG Report – The Agency put out guidance covering taxiway quebec and we voiced concerns over the verbiage. The Agency agreed to hear our concerns and accepted our corrections. We are waiting for their final draft due November 14, 2009. The odd thing about taxiway quebec is that Mr. Bazman said they could not find any documents covering the taxiway yet the attached 1999 study was faxed to Mr. Bazman in June 2007.

Last Bullet in Email – The over whelming evidence of fraud in reference to the absence of documentation in the August 2007 briefing guide leaves me confused as to why the IG or anyone else would state they found no evidence to support my allegation. Ten controllers stated they did not receive written documentation during the briefing; ATO-Safety concluded that management did not provide controllers with any written guidance and management made no attempt to contradict the finding. Of course ATO-Safety found that management did not provide controllers with written guidance, because it never took place. ATO-Safety knew of my allegation of the empty briefing guide and knew the guide was not empty when they received it from management. That is why ATO-Safety pulled out the document that was inside of the briefing guide and showed it to me and asked if it was there when I was briefed. I told them it was not. Of course the Agency made no attempt to contradict the finding. They were not expecting ATO-Safety to give me what management had given to ATO-Safety. So the best case scenario for management was “of course Mr. Sugent is right; we did not provide any written documentation.” Why would they want to contradict that, it covered up the allegation of fraud.

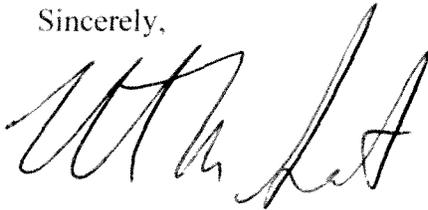
ATO-Safety told me that the briefing guide was given to them by management, so who else would have put the written guidance into the briefing guide. What more is needed to substantiate the allegation? That is what makes the fact that DTW management banned me from the in-briefings or not informing me of the audits so pathetic. They could then control the information given to the auditors to continue their illicit acts. Remember, initially I never stated that management put a document into the empty guide after we all signed off on it. I just stated I had never received a briefing that was not supported with

documentation. So when ATO-Safety showed up in October 2007 is when the entire issue unfolded. This was brought on by managements own actions.

These responses are nothing more than a play on words. The issues are not their supervisors and I do not know any other way to describe these people and their actions. If the Agency would have spent half as much time properly addressing and correcting the issues, this would have been put to rest years ago.

Thank you very much for your time and the opportunity to review, evaluate and comment on the report. If you any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. M. Sugent', written in a cursive style.

Vincent M. Sugent

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
DETROIT METRO ATCT

DTW N7110.156

Effective Date:
Immediately

Cancellation Date:
March 28, 2009

SUBJ: PROCEDURES FOR TRANSITIONING BETWEEN SOUTH AND WEST CONFIGURATIONS.

- 1. Purpose of This Notice.** Establish defined transition procedures between South and West Flow configurations and cancel authorization to conduct Southwest Flow operations.
- 2. Audience.** This notice applies to DTW Tower employees, and all associated support personnel.
- 3. Where Can I Find This Notice?** This notice is available in all applicable DTW publications and the FAA Federal Directives Repository, <https://loa.faa.gov/>
- 4. Cancellation.** This Notice cancels Notice DTW N7110.152, PROCEDURES FOR CONDUCTING SOUTHWEST FLOW.
- 5. Explanation of Changes:** This Notice establishes defined transition procedures between South and West Flow configurations. It also cancels authorization to conduct Runways 21R/27L Dependent and 22L/27L Independent operations
- 6. Procedures.**
 - a.** Change Paragraph 6-9, page iv, Table of Contents of the DTW 7110.9 to read:

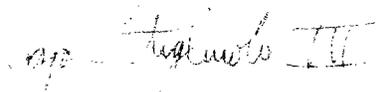
6-9. TRANSITION PROCEDURES BETWEEN SOUTH AND WEST FLOW CONFIGURATIONS.
 - b.** Replace paragraph 6-9, RUNWAY'S 21R/27L OPERATIONS of the DTW N7110.9 with:

6-9. TRANSITION PROCEDURES BETWEEN SOUTH AND WEST FLOW CONFIGURATIONS.
 - a.** Configuration transitions involving Runway 27L arrivals and Runways 21R/22L departures shall adhere to the following requirements:

(1) To transition from a South flow to West flow configuration, the last departure from Runways 21R or 22L shall have crossed the Runway 27L projected center line prior to the

Runway 27L arrival crossing the Runway 27L ILS Final Approach Fix or 5.3 nautical miles from the runway threshold.

(2) To transition from a West flow to South flow configuration, the last arrival for Runway 27L shall have landed and be clear of Runway 27L prior to a Runway 21R or 22L departure being cleared for takeoff and commencing takeoff roll.



Joseph Figliuolo III
Air Traffic Manager
Detroit Metro ATCT

CLASSIFICATION
SHIFT-ASSESSMENT WORKSHEET
OPERATIONAL/NON-OPERATIONAL

NAME: Paul Mueller

DATE: 11/10/07

COMMENTS/RECOMMENDATIONS

Subject: RY 22R / RY 27L AIR, Dept RY 22L
SEE ATTACHMENT

RESPONSE

PAUL-

See attached briefing item NOTICE DTWN 7110.151
 Effective 11/21/08. However RY 21R Departures
 utilizing this procedure & currently suspended.
 awaiting review.

ROUTING: OM [Signature]

AATM: [Signature]

Subject: Ry 22R/Ry 27L Arrivals Depart Ry 22L.

I am appalled at the "general" or how generic this briefing item was drawn up. After all this facility, especially what I have been through with this operation and to come out with this type of non-committal briefing item. I have two major concerns with this operation. But let me first say that I am not against it, just that there needs to be a little better guidance or something more put into writing to give the DTW Tower Controller personnel something to fall back on in case something should arise. Like it did when I was called for an OE on Oct 18, 2007; when I was running the operation as per my face-to-face briefing by the on duty FLM. Since nothing was in writing from that briefing the controllers have nothing to make reference to.

Major Concerns:

- 1) I have been told by several DTW Tower FLM's the arrival aircraft's flight path ends at the approach end of the runway; if this is indeed the case then how did I have an operational error on October 18, 2007. Where can I find that in writing; I have looked in the 7110.65R, and unless I missed it, it is not stated in there; there must be a GENOT or something that makes reference to it?
- 2) Wake Turbulence: How does the Local Controller Northeast protect for the "balked landing" on Ry 27L and the current/previous departure on Ry 22L was either a heavy jet or a B757. Within the last month to month and a half, I personally have witnessed at least three go-arounds/"balked landing", where there was a go-around/"balked landing" initiated by the pilot well beyond the approach end of the runway, (the most recent was on Tuesday, November 6, 2007, Runway 22R, the AWE arrival was south of the ARFS access road before they initiated their go-around/"balked landing". If this was to happen on Ry 27L and a heavy/B757 departure off Ry 22L, there is no way that the go-around is not going to fly through the wake turbulence. The Local Controller Northeast cannot expect the pilot to start a turn to avoid conflict, it would not only be an unsafe operation but a dangerous one, and the controller really should keep instructions to a minimum until the aircraft is at a safe altitude and is "cleaned-up". I do realize that if the arrival initiates a go-around prior to the approach end of the runway the controller should have ample time to give instructions to the aircraft so it can avoid the wake turbulence. But in the scenario I mentioned above how is the controller to handle it, with the way the briefing is written you have given an out for the controller, to avoid the wake turbulence. If wake turbulence is a non-issue then please state that, again I may have missed it but I can find nothing in the 7110.65R that gives reference to this area.

I find it rather disturbing on how reluctant management of DTW Tower will put anything in writing about this procedure. In the most recent briefing there is a reference made "The operation conducted on Ry 22L departing and Ry 27L arriving.

ATO Safety agreed could be conducted in its present form. That being said controller judgment is still required anytime a potential conflict is present."

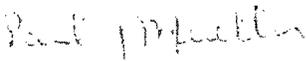
Unless I missed it, there is nothing in the DTW SOP that makes reference to this procedure. So this takes me back to why I am asking for some clarification. Because after my incident on October 18, 2007, I do not want to be the "fall-person" for DTW Tower Management which is what I feel like. Seeing that the operation in question had been used for a significant amount of time; basically being run the same by all tower personnel; and had been observed by all DTW FLMs; before my incident was cited.

Right now I feel that there is two reasons on why management is so reluctant to put anything in writing;

- 1) Either they are unsure themselves and don't want to commit to anything. (I don't expect people to know everything; but I do expect them to seek outside help when needed, nothing to be ashamed about).
- 2) The operation might be in a "gray" area; if this is the case we should stop it in its present form and make the changes to protect all parties involved before something else happens.

I would appreciate a quick response from management to my concerns, so that we can alleviate a potential safety related incident that could possibly lead to a dangerous situation.

Sincerely,



Paul J Mueller

NOTICE**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
DETROIT METRO ATCT****DTW N7110.151****Effective Date:**
November 21, 2007**Cancellation Date:**
November 21, 2008**SUBJ: PROCEDURES FOR CONDUCTING SOUTHWEST FLOW**

1. **Purpose of This Notice.** Establish "dependent" procedures for arriving Runway 27L while departing Runway 21R and "independent" procedures for arriving Runway 27L while departing Runway 22L.

2. **Audience.** This notice applies to DTW Tower employees, and all associated support personnel.

3. **Where Can I Find This Notice?** This notice is available in all applicable DTW publications and the FAA Federal Directives Repository, <https://foa.faa.gov/>

4. **Procedures.** The following procedures shall replace paragraph 6-9, RUNWAY'S 21R/27L OPERATIONS of the DTW N7110.9:

a. Procedures for departing dependent Runway 21R traffic while arriving Runway 27L are:

(1) Traffic for Runway's 21R and 27L shall be worked by one controller at either LNE or LSE position, and on one frequency.

(2) The following weather criteria shall exist:

(a) Wind Parameters – In conformance with appendix 3 (pg A-3-4).

(b) Minimums – Tower visibility of 4 miles or greater, ceilings of 2000' or greater.

(3) One of the following separation minima shall be applied for dependent Runway 21R departures and Runway 27L arrivals:

(a) Aircraft departing Runway 21R shall have passed through the intersection of Runway 27L prior to the Runway 27L arrival crossing the landing threshold.

(b) The Runway 27L arrival must be at a minimum wheels on ground configuration prior to issuing a take-off clearance to Runway 21R traffic.

b. Preferred balked landings instructions – Runway 27L aircraft executing a balked landing or go around, inside of the missed approach point, should be issued an initial climb to at or above 2,000' and issued a turn based on known and observed traffic on all other runways as follows:

(1) If there are no departures on, or immediately airborne from, Runways 21R or 22L, issue a climbing left turn to an altitude of 4,000' (if assigning a prop departure heading) or 5,000' (if assigning a jet departure heading) and issue a departure heading. Handoff traffic to appropriate TRACON position.

(2) If there are departures on or departing Runways 21R or 22L, issue an immediate climbing right turn to an altitude between 2,000' and 3,000', and assign a heading to take the aircraft over the center of the airport. When the aircraft is over the center of the airport, assign a departure heading that will take the aircraft into departure airspace. Once inside departure airspace assign an altitude of 4,000' (if assigning a prop departure heading) or 5,000' (if assigning a jet departure heading). Handoff traffic to appropriate TRACON position.

c. Arrival spacing – to reduce the probability of balked landings on Runway 27L or delayed departures off Runway 21R, a traffic management initiative will be maintained to ensure a minimum of 4 miles in-trail spacing at touchdown for all Runway 27L arrivals.



Joseph Figliuolo III
Air Traffic Manager
Detroit Metro ATCT

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

Air Traffic Organization Policy

N JO 7110.501

Effective Date:
March 30, 2009

Cancellation Date:
March 29, 2010

SUBJ: Wake Turbulence and Missed Approach/Go-Around Operations

- 1. Purpose of This Notice.** This notice provides information pertaining to wake turbulence and missed approach/go-around operations.
- 2. Audience.** This notice applies to all airport traffic control tower personnel.
- 3. Where Can I Find This Notice?** The notice is available on the MYFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices/ and on the air traffic publications Web site at http://www.faa.gov/airports_airtraffic/air_traffic/publications.
- 4. Action.** The content in this notice is presented as informational only. No air traffic procedures have changed: therefore, no training is required for air traffic operational personnel. Air traffic managers must ensure that all terminal air traffic control personnel are briefed on this notice. Until new requirements are established, all terminal facilities should review their standard operating procedures and training programs to ensure that operational personnel are provided best practices for deconflicting missed approach/go-around operations that they are most likely to confront in their airport's configurations. Local operations should be modified to minimize such potential conflicts where it is determined to be practical and without undue operational impact.
- 5. Distribution.** This notice is distributed to the following Air Traffic Organization (ATO) service units: Terminal, Safety, and System Operations Services; service center offices; and the Air Traffic Safety Oversight Service.
- 6. Background.** In researching a request for interpretation to Federal Aviation Administration Order (FAAO) 7110.65R, Air Traffic Control, Paragraph 7-2-1a2, Visual Separation, it was determined that:

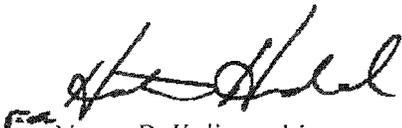
FAAO 7110.65 does not explicitly prescribe the wake-turbulence separation responsibilities for controllers controlling missed approaches and go-arounds. While separation requirements are clearly defined for application between arrivals and departures, subsequent departures, they are not explicitly stated for application to missed approach/go-around traffic as it transitions from arrival to departure status.

FAAO 7110.65, paragraph 1-1-1, states, in part, "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." For example: a missed approach occurs after a heavy departure, or two missed approaches occur with the smaller aircraft behind the larger aircraft, and turns for one or both aircraft are not possible. The missed approaches/go-arounds should be handled as situations not specifically covered by FAAO 7110.65. Controller actions must be

in accordance with FAAO 7110.65, Paragraph 2-1-2 NOTE, Duty Priority, which states, "Because there are many variables involved, it is virtually impossible to develop a standard list of duty priorities that would apply uniformly to every conceivable 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." It is incumbent upon controllers as a first priority of duty to establish departure separation as soon as possible after the transition of a missed approach/go-around. When an aircraft executes a missed approach/go-around, controllers must exercise their best judgment, considering the effect of wake turbulence and issuing control instructions to minimize its impact. In addition, a wake turbulence cautionary advisory must be issued in accordance with FAAO 7110.65, Paragraph 2-1-20b, Wake Turbulence Cautionary Advisories, which states, "Issue 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." Controllers must issue traffic advisories in accordance with FAAO 7110.65, Paragraph 2-1-21, Traffic Advisories, which states, in part, "Issue traffic advisories to all aircraft (IFR or VFR) on your frequency when, in your judgment, their proximity may diminish to less than the applicable separation minima." Issuing advisories will alert the pilots to traffic which may warrant their attention and assist in avoiding wake turbulence.

The request for interpretation has highlighted the need for developing specific guidance for the separation of missed approach/go-around operations.

The ATO Safety Services office will immediately begin collecting separation data between missed approach/go-around traffic and other operations using passive collection tools such as the Performance Data Analysis and Reporting System (PDARS) and Continuous Data Recording Player Plus (CDRPP). Any detected wake remnant encounters will be documented as a nonconformance procedural operational error attributed to the system, not the individual facility or employee. ATO Terminal Services will lead development of specific definitions and separation requirements that operational personnel will apply to missed approach/go-around operations.



Nancy B. Kalinowski
Vice President, System Operations Services
Air Traffic Organization

2-27-09

Date Signed

Some things do not change. The attachment was given to Paul Mueller as a fix for the wake turbulence issue surrounding the Southwest Flow. This is so poorly written and is just an embarrassment to this organization. I will truncate the content in each paragraph and my comments will be in red.

4. Action. The content in this notice is presented as informational only. What does that mean? That if you do or do not apply the content and something goes awry it is the controllers fault. Until new requirements are established.....personnel are provided best practices for deconflicting missed approached/go-around operations that they are most likely to confront.... Local operations should be modified to minimizeand without undue operational impact. The best practice for deconflicting missed approach/go-around operations is not set the pilots and controllers up for failure. Here again efficiency is being put ahead of safety. See page 8 of Mr. Scovel's IG report and look how Mr. Grammes sounded putting that into the record.

6. Background. FAAO 7110.65 does not explicitly prescribe the wake turbulence responsibilities for controllers controlling missed approaches and go-arounds. While separation requirements are clearly defined for application between arrivals and departures, subsequent departures, they are not explicitly stated for application to missed approach/go-around traffic as it transitions from arrival to departure. She just stated that a missed approach/go-around transitions from an arrival to a departure. This is what we have been saying all along hence the wake turbulence separation should be applied to warrant the pilot a safe transition clear of any wake turbulence.

The second paragraph is a rambling like none other. She states numerous times that controllers are to exercise "their best judgment, in your opinion or in your judgment" based on facts and circumstances known to them when concerned about wake turbulence or a situation not cover in the order. She states on page two with the sentence that begins, "Because there are many variables involved, it is virtually impossible to develop a standard" and later states "It is incumbent upon controllers as a first priority of duty to establish departure separation...." There again is a statement about establishing departure separation. Well, this is a known unsafe and dangerous variable and should be addressed. They do not like our best judgment decision which is to fix the situation on the arrival side of the problem. Give us a large enough gap so if the aircraft goes around there will be sufficient spacing when passing behind the heavy. This would take care of her "controllers must exercise their best judgment, considering the effect of wake turbulence and issuing control instruction to minimize its impact" statement about half way down on page two of the large paragraph. We are trying to exercise our best judgment, but it is interfering with their efficiency.

In the last sentence of the paragraph she states, "Issuing advisories will alert the pilots to traffic which may warrant their attention and assist in avoiding wake turbulence. What is this supposed to mean. Sorry I put you in this situation for efficiency, but there is the traffic and by the way miss it as well. That is not what we do for a living. We run traffic so this does not happen. The FAA wants to ignore this fact so they can continue to conduct dangerous operations under the guise of safety.

This notice gives FAA management plausible deniability and the ability to place blame on others if a disaster occurs even if a controller is trying to make good of a bad situation. This is indicative of the ignorance of the individuals addressing this issue.