



U.S. OFFICE OF SPECIAL COUNSEL

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December 2, 2009

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

Re: OSC File No. DI-08-1801

Dear Mr. President:

The Office of Special Counsel received disclosures from Mr. Michael Cole, Air Traffic Control Specialist, who is employed by the Department of Transportation (DOT), Federal Aviation Administration (FAA), Juneau Automated Flight Service Station (Juneau AFSS), Juneau, Alaska. Mr. Cole, who consented to the release of his name, alleged that FAA officials engaged in activities constituting a violation of a law, rule, or regulation, gross mismanagement, and a substantial and specific danger to public safety by implementing faulty protocols for the transfer of air traffic control responsibility between the Juneau AFSS and the Juneau Air Traffic Control Tower (Juneau Tower) during the winter months, when Juneau Tower closes early.

Mr. Cole's disclosures were referred to the Honorable Mary E. Peters, former Secretary of DOT, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). Secretary Peters tasked the FAA's Air Traffic Safety Oversight Service (AOV) with conducting the investigation. We received a report of that investigation dated September 30, 2009. The agency investigation found all but one of Mr. Cole's allegations to be unsubstantiated. Mr. Cole declined to comment on the report. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the agency's report to you.

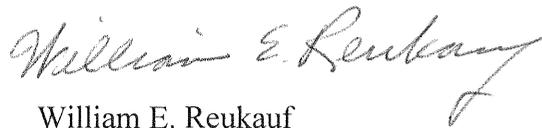
The report did not substantiate Mr. Cole's allegation that safety is compromised when the Juneau Tower closes early during winter months. The report did, however, substantiate Mr. Cole's allegation that on July 22, 2008, Juneau Tower failed to set the Automated Terminal Information System frequency which broadcasts weather data to pilots. Although the report found that the Tower breached procedure, it concluded that the incident was not a significant safety issue because pilots would be aware upon tuning to the broadcast that it was outdated, and could obtain up-to-date information from the Juneau AFSS instead.

The report recommends that, in order to reduce the potential for miscommunication during the opening and closing procedures of part-time facilities such as Juneau Tower, the Air Traffic Organization validate that air traffic facilities have appropriate checklists in place to ensure the thorough transfer of control information.

We have reviewed the original disclosures and the agency's report. Based on that review, OSC has determined that the agency's report contains all of the information required by statute and that the findings appear to be reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), we have sent a copy of the report to the Chairmen and Ranking Members of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure. We have also filed a copy of the report in our public file and closed the matter. OSC's public file is now available online at www.osc.gov.

Respectfully,

A handwritten signature in cursive script that reads "William E. Reukauf". The signature is written in black ink and is positioned above the printed name and title.

William E. Reukauf
Associate Special Counsel

Enclosure