

Vincent M. Sugent
7768 Pleasant Lane
Ypsilanti, MI 48197
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Jennifer Pennington
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D. C. 20036-4505

Dear Jennifer,

Thank you for your time, patience and effort in addressing safety issues and improprieties at Detroit Tower. As you are aware the primary goal was accomplished by the ceasing of an unsafe operation, ultimately protecting the safety of the flying public.

On the surface the Report of Investigation (ROI) provided by the Office of Inspector General may seem thorough and complete, but as you read you will find inaccuracies and a poorly conducted investigation.

On page 4 of the ROI, it states, "*We found that FAA and WCAA officials were aware of the possibility of DTW departing aircraft from Runway 9R-27L during the Northeast Flow as early as 2006. These officials worked closely with their DTW counterparts during the development of the flow and helped to convey its impacts to the general public and local government officials.*" Attachment 5 of the ROI, page 1, Proposed Action, paragraph 2 states that the temporary operation, the utilization of runway 27L, would not result in the creation of any new air traffic procedures. Additionally on page 15 of the same attachment it states that no new flight tracks would be utilized.

Both of these statements are not accurate. There was a new air traffic procedure created for the proposed action, the Northeast Flow, and this new procedure created new flight tracks. How could the OIG find that WCAA officials worked closely with DTW officials in developing the flow, but in attachment 5 the WCAA state no new air traffic procedures or flight tracks would be created? That makes absolutely no sense.

On page 5 of the ROI the OIG comments on a safety report filed by a controller. The report is dismissed because it was only a controller's concern and not the concern of pilots. The controller in question worked as a staff specialist for over 10 years at Detroit and is more knowledgeable in the areas being discussed than any of the Detroit managers interviewed. I conveyed this to the OIG and the controller was not interviewed. The controller's safety report was not included in this report nor was the report ever responded to by the Agency. There was not one controller or supervisor interviewed for this investigation. Not one.

The importance of interviewing the controllers and supervisors is a simple one. The OIG mentions crossing runways in the ROI as if it is no big deal and it is okay to force or make mandatory a runway crossing in a procedure because other facilities work their traffic in this manner. It is unacceptable to mandate runway crossings and I do not believe for one moment that AOV would find this practice an acceptable one. All the OIG needed to do is ask the controllers and supervisors questions on runway crossings and they would have had their answer.

The briefings were also conducted in an unprofessional manner where the facility would not answer questions or even clarify their own actions. When we asked questions the common response was “we have waivers” or “this is the way we are going to do things”. When I went back to the original briefing guide to compare it to the 2008 guide, the folder was there, but there was no information in the guide. It was empty. The OIG did not even mention this in their report and I did bring it to their attention on at least two occasions. Again, all the OIG needed to do is ask the controllers and supervisors questions about the briefings and they would have had their answer. Briefings were conducted poorly and inadequately as with the Southwest Flow.

Also on page 4 of the ROI it states, *“Although DTW officials told investigators they considered safety issues when developing and implementing the Northeast Flow in 2007, no corresponding safety risk assessment-related documentation exists, and we therefore could not verify this claim.”* Page 7 and into page 8 of the ROI gives you more insight as to the attitude of the managers at Detroit. The officials told the OIG that they considered safety risks when the Northeast Flow was developed yet none were documented or retained. This I guess you can say is supported by Ms. Bynum’s statement of “...that although it was not documented, she and other DTW officials **would** have assessed the safety risks of the Northeast Flow to ensure it was a safe operation....” I find it odd that not one DTW document, except the cancellation notices of the Northeast Flow, was included as an attachment.

As a controller I consider safety issues every day when I make control decisions. It would seem to me that the reason there are no safety risk documents is due to the fact that there was no assessment conducted. I truly believe that DTW officials “considering safety issues” means how to get around them as in the Southwest Flow. Considering safety issues and conducting safety risk assessments are two entirely different things.

“FAA’s communications with the whistleblower during his attempts to obtain documents relating to the Northeast Flow under the Freedom of Information Act (FOIA) were subject to misinterpretation. Specifically, a FOIA specialist reported to the whistleblower that no safety risk assessment documents have been “retained.” This statement could be interpreted as meaning that FAA failed to preserve these records. In fact, as described above, there is no evidence FAA ever created such a record. The use of the word “retained” appears to be an innocent translation of information the FOIA specialist received from DTW Acting Staff Manager Gary Ancinec, who reported to the FOIA specialist that no safety risk assessment documents “exist.” At this time, FAA has

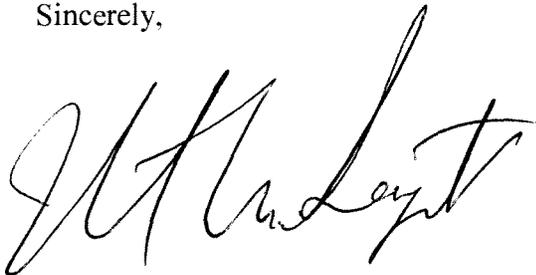
provided all relevant records to the whistleblower except for the four environmental documents described above.”

The previous paragraph is from the additional information portion of the ROI. I think this play on words is no different than the contemptible “noncompliant” versus “unsafe” play on words from the Southwest Flow investigation. The “exist” versus “retained” misinterpretation needs to be just that in order for their statements to match their actions or lack there of.

The OIG should be embarrassed at the manner in which this investigation was conducted. Given the conduct of Detroit’s managerial officials in past, much more scrutiny should have been exercised when the facility was investigated. From the individuals who were interviewed to the individuals involved, there should have been much more urgency given what had taken place in this facility in the past. Some of these same people involved have a disreputable history in the facility and in my opinion warranted a much more thorough investigation.

Thank you very much for your time and patience with this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent M. Sugent". The signature is written in a cursive, flowing style with a large initial "V" and "S".

Vincent M. Sugent