



**U.S. Department  
of Transportation**

Office of the Secretary  
of Transportation

**GENERAL COUNSEL**

1200 New Jersey Avenue, SE  
Washington, DC 20590

Catherine A. McMullen, Esq.  
Chief, Disclosure Unit  
U.S. Office of Special Counsel  
1730 M Street, NW, Suite 300  
Washington, DC 20036-450

October 6, 2014

Re: DI-13-4206 et al.

Dear Ms. McMullen:

I have enclosed a status update, prepared by the Federal Aviation Administration (FAA), on corrective actions relating to whistleblower complaint Case No. DI-13-4206 et al. The investigative report and correction action plan were transmitted to OSC on May 16, 2014.

Please feel free to call Debra Rosen or me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terence Carlson".

Terence Carlson  
Assistant General Counsel  
for General Law

Enclosure



## Federal Aviation Administration

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# Memorandum

Date: October 2, 2014

To: Terence W. Carlson, Assistant General Counsel for General Law, C-10

From: *[Signature]*  
H. Clayton Foushee, Director, Office of Audit and Evaluation, AAE-1

Subject: Update to Corrective Action Plan on Office of Special Counsel Case No. DI-13-4206, 14-0359, 14-0461, 14-0492, and 14-1590 regarding Detroit Metropolitan Wayne County Airport Flight Plans and Staffing Referral Dated March 11, 2014

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The Federal Aviation Administration (FAA) is providing this status update to the Corrective Action Plan (CAP) outlined in our April 17, 2014, Report of Investigation (ROI) in response to the U.S. Office of Special Counsel (OSC) case numbers DI-13-4206, DI-14-0359, DI-14-0461, DI-14-0492, and DI-14-1590 regarding Detroit Metropolitan Wayne County Airport (DTW) Flight Plans and staffing referral, and the previous July 2014 update.

ATO concurred with report findings. Due to the amount of time required to complete the full range of corrective actions, this update is based on activities completed as of September 19, 2014, and will be followed with another update in late December 2014 from ATO.

**Allegation:** "FAA management has failed to properly address frequent and systemic problems with computer based systems designed to automate the filing and amending of flight plans and delivery of departure clearances."

**Updated Status:** As previously reported, the FAA established a Multiple Flight Plan Task Force that met on May 7, 13, and 19, 2014. Additional meetings will be scheduled as required.

In May, the Air Traffic Organization (ATO) invited industry representatives to participate in the associated Safety Risk Mitigation (SRM) Panel that met June 17-19, 2014. The only industry representative in attendance advised the Panel that due to unfamiliarity with major airline processes and automated capabilities she was unable to represent their perspectives. Preliminary SRM Panel results were shared with a larger group of industry representatives during the monthly National Customer Forum (NCF) in August. In response to concerns expressed during the September NCF meeting, a follow-up industry session was discussed and is now scheduled for October 7, 2014, in Washington, DC. This industry session may provide further feedback for the SRM Panel. Major ATO and Flight Standards Service (AFS) actions recommended by the initial SRM Panel were described in the July update.

Recognizing that the previously-identified facility safety reports may not have captured all safety occurrences in which multiple flight plans may have contributed to risk, the ATO implemented a Quality Assurance (QA) special emphasis item (SEI) for multiple flight plans. Since Service Area QA staffs began using this SEI in July to document facility mandatory or electronic occurrence reports (MORs or EORs), a few more MORs were identified that may involve multiple flight plans, though none involved a loss of required separation.

The ATO is also publishing the attached draft QA Safety Bulletin on multiple flight plans for Air Traffic Control (ATC) facilities and QA staff, which was briefed during the September 17, 2014 National QA/Quality Control webinar. This topic will also be discussed via Partnership for Safety Program telcons in October and facility safety awareness discussions in November. The improved data collected from ATC facilities is expected to support a more comprehensive view of this issue and may be useful for the October meeting with industry representatives and/or upcoming NCF meetings.

AFS and ATO also collaboratively developed an Information for Operators (InFO) designed to help remind operators of the importance of following appropriate procedures when amending a flight plan. The attached draft InFO, which is in final coordination and will be published this year, should help reduce the number of multiple flight plans filed for the same flight.

Required communication line testing has been completed to support the second Clearance Delivery (CD) position at DTW Tower. After coordination with Delta Airlines, other equipment now at the position will be removed and Technical Operations is prepared to restore the position to operational status. Air Traffic Services is currently conducting impact and implementation (I&I) briefings with the National Air Traffic Controllers Association. After the I&I briefings, procedures and conditions for use of the second CD position will be developed.

AAE has reviewed the draft SRM Document. It is incomplete; however, a significant amount of analysis has been completed. The ATO will provide us their next update in late December 2014 to allow for completion of the SRM Document and more progress at DTW. If you have questions or need additional information, please contact Clay Foushee, Director, at (202)267-9000.

cc: Teri L. Bristol, Chief Operating Officer, AJO-0  
Joseph Teixeira, Vice President for Safety and Technical Training, AJI-0  
Terry Biggio, Vice President, Air Traffic Services, AJT-0  
Elizabeth Ray, Vice President, Mission Support Services, AJV-0  
Nancy Kalinowski, Vice President, System Operations Services, AJR-0  
James T. Eck, Acting Vice President, Program Management Organization, AJM-0

Attachments:

1. Draft QA Safety Bulletin
2. Draft AFS Information for Operators, InFO 14 FPFC, Flight Plan Discrepancies and Amendment Filing Procedures

# Air Traffic Organization

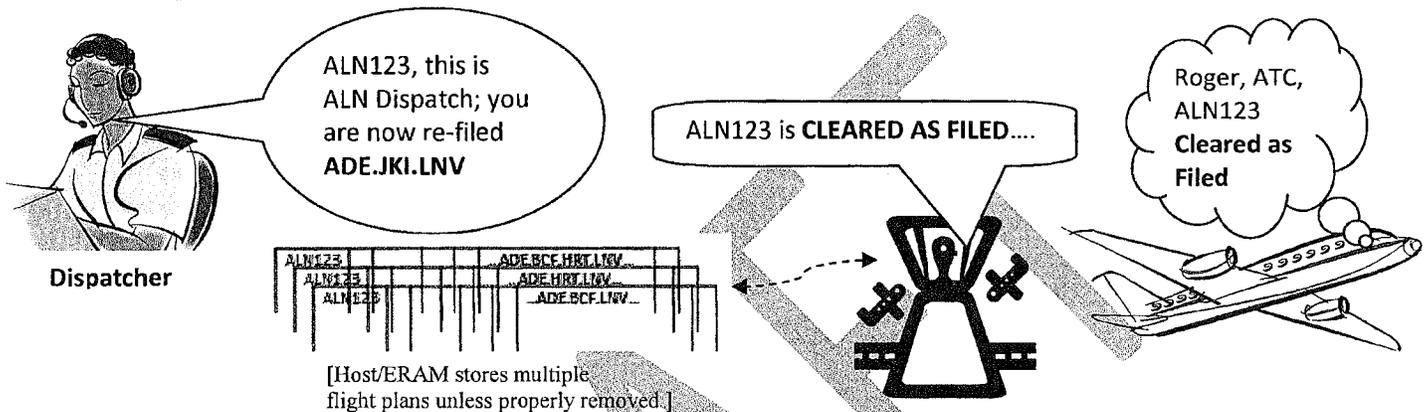
## Safety Bulletin

### Purpose

Flight plan data analyses indicate hundreds of multiple flight plans for the same flights (e.g. same aircraft identifications from same departure points) may exist in the National Airspace System (NAS) each day, with peak numbers occurring during severe weather or other times when departure delay programs are in effect. Since most potential problems are recognized and addressed before they result in safety occurrences; we do not know how often multiple flight plans may actually cause or contribute to a loss of separation or an airborne route anomaly. Improved facility reporting and Quality Assurance (QA) review of safety occurrences related to multiple flight plans are needed to ensure NAS safety.

### Observations

Currently, it is difficult to determine from mandatory or electronic safety occurrence report (MOR or EOR) data how often multiple flight plans may contribute to loss of separation or airborne route anomaly safety occurrences.



**Safety Events:** Though incidents may have been difficult to identify and track, since 2012, multiple flight plans were identified NAS-wide as a possible causal factor in one loss of separation and a few airborne route anomaly MORs. In the few safety occurrences where ATC identified multiple flight plans as a contributing factor, the flight plan data for aircraft type, equipage, and/or route provided to the pilot/crew differed from flight plan data provided to ATC.

### Event Summaries:

- July 2014—Hours after departing JFK, ATC noticed a B77W flying a route that differed from the flight plan. While ATC had cleared the flight as filed based on the most recently filed flight plan, Dispatch had issued the pilot a route from an earlier filed flight plan.
- August 2014—An ARTCC provided a C525 1000 feet vertical separation in Reduced Vertical Separation Minima (RVSM) airspace based on flight plan data from the ATC-activated flight plan. However, another flight plan was also filed that indicated the flight was not RVSM approved.

### Recommendations:

- When multiple flight plans may be filed, query the pilot as needed to determine which flight data to use and when appropriate, issue a full route clearance
- When you suspect multiple flight plans may have contributed to a safety occurrence, document that suspicion in the MOR summary section for a loss of separation or airborne route anomaly MOR—to trigger QA to designate the MOR for further investigation
- When multiple flight plans are suspected as a causal factor, QA specialists will annotate the QA section of the electronic or mandatory (EOR/MOR) with #MFLTPLN to identify the occurrence for further analysis and tracking.



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

# InFO

Information for Operators

InFO 14 FPFD  
DATE: xx/xx/xx

Flight Standards Service  
Washington, DC

[http://www.faa.gov/other\\_visit/aviation\\_industry/airline\\_operators/airline\\_safety/info](http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info)

*An InFO contains valuable information for operators that should help them meet certain administrative, regulatory, or operational requirements with relatively low urgency or impact on safety.*

**Subject:** Flight Plan Discrepancies and Amendment Filing Procedures

**Purpose:** This InFO serves to remind operators the importance of following appropriate procedures when amending an Air Traffic Services (ATS) flight plan.

**Background:** The Federal Aviation Administration (FAA) Air Traffic Organization (ATO) along with the Flight Standards Service (AFS) has noticed an increasing trend with discrepancies between the “filed” ATS flight plan and the “operational” flight plan provided to the flightcrew. These discrepancies can lead to a loss of separation and an increase in workload for Air Traffic Control (ATC) and flightcrew(s).

Examples include:

- During July 2014—Hours after departing JFK, ATC noticed a B77W flying a route that differed from the flight plan. While ATC had cleared the flight as filed based on the most recent flight plan, Dispatch had issued the pilot a route from an earlier filed flight plan.
- During August 2014—ATC provided a C525 1000’ vertical separation in Reduced Vertical Separation Minimum (RVSM) airspace based on the ATS flight plan. However, the operational flight plan indicated the flight was not RVSM approved.

Despite efforts to correct this problem, including monthly meetings for flight plan filers, flight plan discrepancy errors have continued.

**Discussion:** The majority of flight plan discrepancies appear to be caused by inadequate coordination of changes to flight plans. The most common types of problems seen include:

1. Sending of a “replacement” flight plan without canceling the original flight plan.
2. Sending a “replacement” flight plan after an attempt to cancel the original flight plan was unsuccessful (usually because the attempt to cancel occurred after the departure strip printed).

Either of the above cases results in multiple flight plans in the system. ATC will resolve these when aware of them, but there are cases (especially if the change is made very late) where ATC will not see the second flight strip in time. In a busy tower with parallel runways, the strips may even be distributed to different positions.

For example:

Flight 123 departure out of New York to London is planned on North Atlantic (NAT) Track W.  
The aircraft is planned for a flight level that requires Controller Pilot Data Link Communications

(CPDLC) and Automated Dependent Surveillance-Contract (ADS-C) equipment. During the preflight check the crew notices that the data link is not functioning normally. Maintenance is called and the system is deferred in accordance with the approved Minimum Equipment List (MEL). 20 minutes prior to departure, the aircraft dispatcher, or flight planner, realizes that a reroute will be required; refiles the flight plan via NAT Track Z, changes the required fuel, and notifies the flightcrew. (There are now 2 flight plans in the system for this flight). The flightcrew loads the second flight plan into the Flight Management System (FMS). However, the dispatcher fails to contact the overlying Air Route Traffic Control Center (ARTCC) Flight Data to inform them of the change. The crew is cleared as filed, based on the original flight plan, only to find out when they get their oceanic clearance that ATC was expecting them to fly NAT Track W. The crew then informs ATC that they cannot accept this route claiming they were filed appropriately on NAT Track Z.

**Note:** Flight plan changes are the leading cause of FMS input errors resulting in navigation errors. Such errors can be eliminated by enforcing the appropriate filing procedures.

Acceptable Operator procedures may vary depending on whether they normally amend flight plans or cancel/refile, but in any case the following constraints must be addressed, since FAA systems do not allow any operator changes once the first departure strip prints, normally 45 minutes before the proposed departure time:

**Early Flight Plan Amendments:** If a flight plan is amended more than 45 minutes prior to the filed, proposed departure time, the aircraft dispatcher or flight planner can send a “Change” message. If the change involves a route change, the filer has the option to send a “Cancellation” message first, wait for an acknowledgement from the system, and then refile the flight plan accordingly. If there is any uncertainty whether the cancellation has been processed or if you cannot send a Cancellation message, then call Flight Data at the ARTCC and ask them to remove the flight plan. If the response to a cancel or change message is “REJECT- MANUAL COORDINATION REQUIRED” this means the system has locked the flight plan from user amendments and you must call the center.

**Late Flight Plan Amendments:** If any change occurs within 45 minutes of the proposed departure time, the recommended procedure is for the pilot to notify the controlling facility that they should remove the current flight plan and inform them that the dispatcher or flight planner will be filing a new flight plan. When informed that the flight plan has been removed, the dispatcher should send the revised flight plan to the center. Upon receipt of a positive acknowledgement, he/she can inform the pilot.

**Recommended Action:** Title 14 of the Code of Federal Regulations (14 CFR), parts 121, 125, 129, 91, 91 subpart K (91K) and 135 Directors of Operations, Directors of Airline Operations Control, and flight planning vendors; or pilots (91) should familiarize themselves with the information contained in this InFO and ensure procedures are established for flight plan amendments to eliminate the chance of having conflicting, or multiple operational and ATS flight plans. Flight planning information is available at the FAA Flight Planning website:  
[http://www.faa.gov/about/office\\_org/headquarters\\_offices/ato/service\\_units/air\\_traffic\\_services/flight\\_plan\\_filing/](http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/air_traffic_services/flight_plan_filing/)

**Contact:** Questions or comments concerning this InFO can be directed to the Air Transportation Division, New Program Implementation Branch, AFS-240 at (202)-268-8611.