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April 24, 2012

Karen Gorman
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Dear Karen,

Thank you again for your time, patience and effort in addressing safety issues and improprieties with Detroit Tower and the Agency. The following is offered as a response to the supplemental information received from the Agency.

In the April 16, 2012 memorandum, Allegation 1, Updated Response states, *"Our review of the IAPs concluded that increased separation between the aircraft on a missed approach and the departing aircraft was necessary."* What do they mean by this statement? That the proper separation did not exist prior to April 3, 2012? And what is increased separation? There has been no increase in separation; there has been only a change to the published missed approaches.

In the next paragraph they state, *"We will be distributing a training briefing to the other airports in the NAS....and that will be supplied in a future update."* I believe that not only should an update be given, but the training briefing should also be supplied to the OSC immediately.

Allegation 2, Updated Response, first paragraph, last sentence states, *"....DTW was instructed to provide radar vectors that met/exceeded the criteria of paragraph 5-8-5 for all missed approaches that might occur during the conduct of simultaneous operations and training preparation."* This statement was repeated at least six times throughout these documents. We were never told this. As a matter of fact we were told emphatically not to do anything different than we were already doing. There was never a briefing guide or any verbal guidance at all to the above statement.

In next paragraph, they state, *"....we decided a proactive restatement of the correct application of air traffic policy was more efficient than an inquiry to each facility. The formal restatement of the air traffic policy for paragraphs 5-8-3 and 5-8-5 will be transmitted to the field facilities, and confirmation that operational personnel at all of the appropriate facilities received the training briefing is expected during the next 60-days."* I believe they will choose the "here is the rule, make sure you are following it" approach they did here at DTW with the briefing guide they put in the Read and Initial Binder after my OE. No guidance, no names, no authors.

Allegation 3, Updated Response, states, *"The TMC or CC does allow someone to focus on one side...."* This is a disingenuous statement. This is in neither the TMU nor CC job description and we were not told to do anything different than what we were already doing while working these positions. While total tower awareness is desirable, one can not aid two controllers, coordinate, make TMU entries and coordinate releases all at the same time.

In the same paragraph it states, *"FLMs supervised the tower-cab operations throughout the corrective action period since Nov. 2011, and FLMs provided feedback to all controllers (local controllers (LC) and on-the-job trainee (OJT) controllers) working simultaneous operations."* This is another disingenuous statement. It has not taken place. Again, we have been told to keep doing what we are doing.

Later in the paragraph it states, *"Throughout the observed/audited period, no violations of air traffic policy were noted and no losses of separation have been associated with simultaneous operations at DTW."* While this might be true, operational errors definitely occurred on every north flow day when either the visibility was below 2 or the ceiling was below 900 AGL. It is not possible that there were no errors; just that the QA people did not know what they were looking at or what to look for, there were errors, just not recognized.

The "not knowing what they were looking at" was offered in my original response with the following statement and QA notes; EGF4343 was not landing, and there is no way feasible could have been landing, on Runway 3 Left given the weather. Runway 3 Left can be utilized for landing during visual conditions, but does not have an instrument landing system required for landing in poor weather. N77RG was not a Runway 4 Right departure eastbound. N77RG was a Runway 3 Right departure westbound.

The following will cover the March 29, 2012 email.

Page 2 shows the lack of guidance and liability for every controller working at an airport where runways are not 3 miles apart and parallel or diverging. Local controllers, like me in 2009, I "took action", complied with 7110.65, yet they blamed me. Had these two aircraft hit or if two hit in the future because as they said no changes affect what happened (and could happen again), the blame will lie with the controller, even though the PMAs were changed.

Turning towards the arrival runway is okay regardless of heading if the arrival lands. Again, if they do not land and depending where each aircraft is in their phase of flight, there could be a problem. How can you turn towards the 30 degrees we are supposed to protect? Oh, I know how. For efficiency and when things go wrong, blame the controller.

If they go-around on their own they may not be able to do as they are told due to aircraft configuration issues or trying to stabilize the aircraft. If the aircraft cannot turn there is a possibility that there will be an aircraft turning towards or off of the departure end of the

arrival runway. So, how close is the agency going to allow one aircraft heading at another to be too close. With my incident the aircraft remained parallel at all times. With what the Agency wants us to do would place aircraft on converging courses.

On page 7 the Agency states, *"DTW typically assigns radar vectors and an altitude clearance to all aircraft that initiate a missed approach to keep that aircraft away from the proximity of the simultaneous arrivals/departures on adjacent runways, but the complainant vectored the missed approach aircraft into the same airspace as his simultaneous departure aircraft had already been vectored."* This is not a true statement.

I saw the arrival aircraft on final for RY 4L and departed the RY 4R aircraft on a 330 heading. I then saw the RY 4L arrival going around. I instructed the RY 4R departure not to turn and continue on runway heading. The arrival then reported going around and I issued a 330 heading to the miss approach aircraft. The departure never turned towards the go around aircraft. I de-conflicted the situation.

It is .329 nautical miles between RY 3L and RY 3R. My two aircraft were .3 nautical miles apart. In the Agency's judgment, my aircraft were too close. What is the Agency's stance going to be when a RY 3L departure turns toward RY 3R, which is 1000' closer to RY 3L than RY 4R is to 4L, and there is a late go-around on RY 3R?

Also on page 2, the Agency states, *"De-confliction required to comply with paragraph 5-8-5?"* De-confliction? The Agency is the one that wants us to put the aircraft in conflict by turning towards the arrival runway. I thought they wanted us to protect for the 30 degrees not conflict with it. That is what they said I did wrong.

On page 11, the Agency states, *"No operational deviations or operational errors have been identified since November 2011 associated with simultaneous operations or the application of paragraphs 5-8-3 and 5-8-5."* I submitted two video and audio playbacks, one dated November 13, 2010 and the other dated April10, 2011. The April 2011 playback was almost identical to my situation and the Agency said that there were no issues with the situation. The November 2010 playback showed aircraft landing on both RY 4L and 4R, departure aircraft off of RY 3L turning toward both of the arriving runways and aircraft arriving and departing RY 4R simultaneously with RY 4L arrivals. All three runways were being worked by three different controllers on three different frequencies. So I find it very curious that the Agency chose to state that there have been no OD's or OE's identified since the arbitrary date of November 2011. The Agency has the recordings as well as the OIG. To date, the Agency has not addressed either of the playbacks.

The Agency states the following, *"Further discussions with DTW management revealed that the core misunderstanding of paragraphs 5-8-3 and 5-8-5 occurred when someone tried to apply one paragraph in the absence of the other paragraph."* This is not what was stated to me. Management said I did nothing wrong and expected me to continue to

do what I am doing. Remember, the facility initially filed the incident as a pilot deviation and it was changed to an OE by headquarters. This statement makes absolutely no sense. The Agency states, *"The DTW management team emphasized the correct application of FAA Order 7110.65 paragraphs 5-8-3 and 5-8-5 to the operational staff while the training materials were being prepared."* This was never stated verbally or in writing.

The Agency states that I respectfully declined the opportunity to meet with DTW management, and countered with a request to meet with an ATO executive when the OSC can attend. That is not true. I requested a de-brief from Mr. Joseph Teixeira and there was not a caveat of when OSC can attend, but a request for them to attend. (Attachment 1) I asked my manager if he thought that I declined and stated no, I just requested Teixeira to de-brief me. Neither my manager nor I have received a response from the Agency.

On page 7, the Agency states, *"None of the changes identified in the DTW corrective action plan were necessary to prevent the operational error (OE) that occurred on December 25, 2009. While the revised missed approach procedures make it easier for controllers to comply with the rules, the retraining is the most proactive portion of the corrective action plan to help all local controllers (LC) avoid this situation in the future."* The paragraph listed that I violated was 5-8-5, so why are they changing the missed approaches to easier comply with 5-8-5 and then saying the changes would not have prevented the OE? Once again the most proactive portion is the retraining and the facility has stated to keep doing what we are doing.

The training we received covered the fact that this scenario can and will happen again. Nothing to affect the safety of the flying public or the liability of controllers has changed. Nancy B. Kalinowski notices offered in my initial response, she states, "*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"* and "*While separation requirements are clearly defined for application between arriving and departing aircraft and between subsequent departures, they are not explicitly stated for application to missed approach/go-around traffic as it transitions from arrival to departure status."*

The Agency needs to restate Ms. Kalinowski notices. Sometimes aircraft get close together and no rules apply for a short period of time. The 7110.65 tells us not to let them hit. So there needs to be some acknowledgement by the Agency that this might happen when transitioning between 5-8-3, 5-8-4, 5-8-5 and 5-5-7 and between different phases of flight. The close proximity of aircraft when arriving and departing will happen and should be assigned to the system or facility. If the Agency is unwilling to accept this, then separation on final needs to be increased to ensure separation.

The Agency states that there was evidence that confusion was present among operational personnel at DTW. The confusion is with whoever assigned the OE and that confusion still exists. Those people do not even want to recognize rule 5-5-7, which is used every day at DTW and it is not mentioned here because it is the rule used to separate the aircraft "the complainant" kept from colliding. It is more than apparent who is confused. After

the OE was assigned, the Agency's answer was to put the "review 5-8-4 and 5-8-5 briefing" out to all DTW personnel. The Agency was incapable of explaining what took place, but only that aircraft were too close.

The Agency states that the OIG Report of Investigation (ROI) was the first concrete evidence that confusion regarding paragraphs 5-8-3 and 5-8-5 was present among the operational personnel at DTW. What about the pilot deviation that was initially filed by DTW and the eventual reversal by headquarters assigning an OE. That was not evidence enough? Given the utter disgraceful documents submitted, I believe the Agency is the one who is confused.

We have not changed any part of our operation. Yet Quality Assurance personnel observed controllers departing aircraft in poor weather conditions with landing aircraft on or inside of a 2 mile final. This violates their view of paragraph 5-8-5 and to my knowledge has not reported any of the operational errors. Just because an aircraft did not execute a missed approach does not mean a rule was not violated, correct?

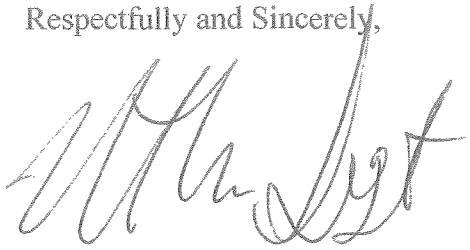
The original report states that we (controllers) are operating under conflicting rules, lack of clear guidance and training and committed unreported (unrecognized) operational errors. The report even shows a lack of understanding among the front line managers. Since the operational error, we have received only one attempt at clarification. The MBI mentioned earlier. This was also dismissed as inadequate guidance. So just by changing the missed approaches all of these issues have disappeared yet none corrected the very issue that was supposed to be addressed.

The documents are incoherent; contradict not only earlier documents, but from page to page. I am sure what they are trying to accomplish. The Agency repeatedly states that improvements were identified and corrected on 18 of the 21 approaches here at DTW as if all this hard work was put into this effort. If you read everything offered by the Agency, the only thing that was changed was the 18 missed approaches.

Agency attachments 1, 2, 3, 4, 5 all say the same thing, just in different formats. These were the documents offered during our training and changed nothing. Again, the training we received covered the fact that this scenario can and will happen again and to keep doing what we are doing.

The Agency is derelict in their duties and has once again put efficiency ahead of safety of the flying public. This entire situation is due to pitiful regional and national managerial performance and oversight and incompetent leadership due to a lack of air traffic understanding, knowledge, experience and ability.

Respectfully and Sincerely,



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April 12, 2012

John Whitehurst
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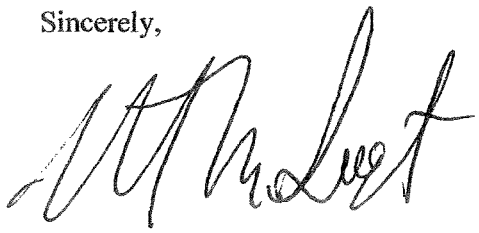
John,

Thank you for the offer of a de-brief covering my December 25, 2009 operational error.

While I appreciate the offer, the facility filed the situation as a pilot deviation. It was overridden by entities outside the facility and changed to an operational error. For this reason I am requesting the de-briefing be conducted by Mr. Joseph Teixeira, Vice President ATO Safety.

In addition, since this is one of the corrective actions derived from my Office of Special Counsel charge, I am requesting that a member of the Special Counsel be present during the de-briefing.

Sincerely,



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