



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
(202) 254-3600

DEC 07 2006

Mr. Robert J. MacLean
[REDACTED]

Re: OSC File No. MA-07-0384

Dear Mr. MacLean:

This letter responds to the complaint you recently submitted to the U.S. Office of Special Counsel. You complain that the Transportation Security Administration's Air Marshal Program is "the worst threat to aviation security." You allege that the program constitutes a violation of the National Intelligence Reform & Terrorism Prevention Act of 2004, gross mismanagement, a gross waste of funds, an abuse of authority, and a substantial and specific danger to public health and safety. We have carefully reviewed your correspondence. Based on our evaluation of the information you submitted, we have made a determination to close our file in this matter.

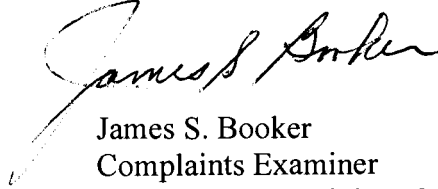
The U.S. Office of Special Counsel (OSC) is authorized to investigate allegations of prohibited personnel practices and certain activities prohibited by civil service law, rule, or regulation. 5 U.S.C. §§ 1214(a)(1)(A), 1216(a) and 2302(b). There are twelve specific prohibited personnel practices described in the statute over which we have investigative authority. However, there is no information in your complaint which indicates that an agency official has taken an action which constitutes any of the twelve personnel practices prohibited by 5 U.S.C. § 2302(b), or any other prohibited activity within the Special Counsel's investigative jurisdiction. Consequently, this Office cannot be of any assistance to you in investigating this matter.

The U.S. Office of Special Counsel does, however, have the authority to *refer* allegations of violations of law, rule or regulation; gross mismanagement; a gross waste of funds; an abuse of authority, or a substantial and specific danger to the public health or safety to the agency department head for an investigation and report. If you intend that we look into your complaint to determine if it may be sent to the head of the agency for a report pursuant to 5 U.S.C. § 1213, please complete the enclosed form and return it to our Disclosure Unit, U.S. Office of Special Counsel, 1730 M Street, NW, Suite 218, Washington, D.C. 20036. More information on whistleblowing disclosures can be

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obtained from our website at www.osc.gov or on our Disclosure Hotline at (800) 572-2249.

Sincerely,

A handwritten signature in black ink that reads "James S. Booker". The signature is written in a cursive style with a large, sweeping initial "J".

James S. Booker
Complaints Examiner
Complaints Examining Unit