



**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

September 14, 2012

Dear Ms. McMullen:

I have enclosed a status update, prepared by the Federal Aviation Administration (FAA), on corrective actions relating to a whistleblower complaint (DI-10-0680) filed by Dean Iacopelli, an Air Traffic Control Specialist, concerning FAA's use of the Dalton Departure Procedure at New Jersey's Teterboro Airport. The Office of Special Counsel closed this complaint on May 8, 2012.

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

Sincerely,

Terence Carlson
Acting Assistant General Counsel for General Law

Enclosure



Federal Aviation Administration

Memorandum

Date: September 11, 2012

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

From:  H. Clayton Foushee, Director, Audit and Evaluation, AAE-001

Subject: Follow-up Status Report on Office of Special Counsel Case DI-10-0680
regarding New York TRACON (N90) & Teterboro Airport (TEB) Use of the
Dalton Departure Procedure

This is a follow-up status report concerning the findings as described in the Office of Inspector General's (OIG) report of investigation (ROI) regarding FAA controller's use of the Dalton Departure Procedure at Teterboro Airport. Following the Office of Special Counsel (OSC) referral of case number DI-10-0680 dated Feb. 18, 2010, and the OIG's ROI dated Jan. 21, 2011, the Federal Aviation Administration (FAA) responded to the allegations and follow-up questions from the OSC, and submitted a formal update on our safety mitigations related to the Dalton Departure Procedure in May 2011. This memorandum updates the activities related to this matter since May 2011.

The FAA published changes to the Dalton Departure procedure on June 30, 2011. The changes included: a reduction in the distance allowed for the west bound turn immediately after takeoff from TEB runway 19; procedures for lost communications; and a cautionary advisory regarding wake turbulence from Newark Liberty International Airport (EWR) arrivals. Training and communication with pilots groups continued through the Teterboro User's Group, Aircraft Owner's and Pilot Association, and FAA's Flight Standards Division. Training for controllers and other operational staff at TEB and N90 was also completed.

In October 2011, the FAA and National Air Traffic Controllers Association (NATCA) initiated an evaluation of the Dalton Departure Procedure as a result of a Corrective Action Request issued by the Air Traffic Safety Action Program, Event Review Committee. For this evaluation, the N90 TRACON suggested building a gap between EWR arrivals to runways 22R and 22L to accommodate VFR aircraft using the Dalton Departure. This gap would ensure separation between the EWR arrival(s) and the TEB departure in the event aircraft using the Dalton Departure do not properly follow the amended procedure.

The Dalton Departure Procedure was again changed on April 5, 2012, to delete the requirement to climb to 800' prior to starting the right (west bound) turn. This change enables pilots to complete the turn within 2 nautical miles of the airport pursuant to the June 30, 2011, amendment. (Attached)

There have been no pilot deviations associated with the Dalton Departure Procedure since the procedure was amended in June 2011. The evaluation of the Dalton Departure Procedure integrated with gaps in the EWR arrivals remains open at this time. The work group assigned to work the issue identified by the ATSAP ERC continues to meet and review options and data. The ATO is actively working with NATCA leaders to identify operational solutions that incorporate safety and efficiency at TEB and N90. We will provide our next update by Jan. 31, 2013.

If you have any questions or need additional information, please contact Joseph Teixeira, Vice President of ATO Safety and Technical Training, at 202-267-3341.

Atch: Dalton Departure Procedure, Apr. 5, 2012

cc: Vice President, ATO Safety and Technical Training
Vice President, Terminal Services
Chief Operating Officer

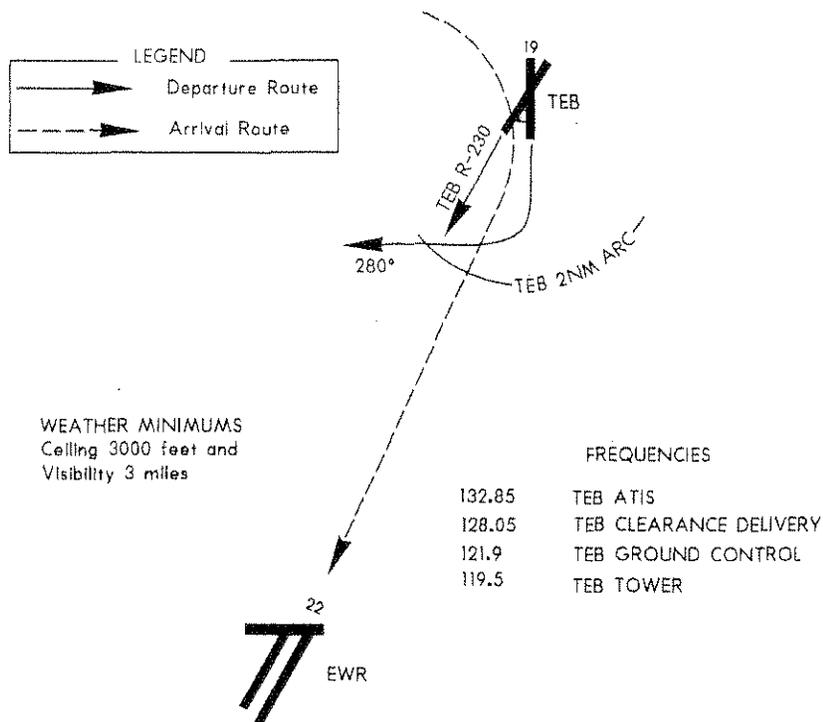
TERMINAL AREA GRAPHIC NOTICE

(Not to be used for Navigation)

Teterboro (TEB) Airport Runway 19 VFR Departure Procedure with Transition to an IFR Clearance when Newark is landing Runway 22 and Teterboro is departing Rwy 19.

'DALTON DEPARTURE PROCEDURE'

PILOTS SHOULD SPECIFICALLY REQUEST THIS PROCEDURE USING THE ABOVE NAME.



AFTER DEPARTURE, TURN RIGHT HEADING 280. COMPLETE THE RIGHT TURN WITHIN 2 DME FROM TEB. MAINTAIN VFR AT OR BELOW 1300 FT; DO NOT EXCEED 190 KNOTS. IF UNABLE, ADVISE.

EXPECT A CLIMB CLEARANCE AFTER CROSSING THE TEB R-230. THE CLIMB CLEARANCE CONSTITUTES IFR ACTIVATION AND PILOTS ARE EXPECTED TO RESUME NORMAL AIRSPEED. EXPECT CONTROL INSTRUCTION TO A DEPARTURE FIX AS DESCRIBED IN THE PUBLISHED TEB STANDARD INSTRUMENT DEPARTURE.

NOTE: CAUTION WAKE TURBULENCE. NO WAKE TURBULENCE SEPARATION IS PROVIDED FROM NEWARK RWY 22 ARRIVAL TRAFFIC DESCENDING OVER TEB FROM 3000' TO 1800'.

IN THE EVENT OF LOST COMMUNICATION PRIOR TO IFR ACTIVATION, SQUAWK 7600. MAINTAIN VFR.