



**U.S. Department  
of Transportation**

Office of the Secretary  
of Transportation

**GENERAL COUNSEL**

400 Seventh St., S.W.  
Washington, D.C. 20590

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

July 27, 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-11-0747) filed by Edgar Diaz, a FAA Air Traffic Controller in the San Juan Center Radar Approach Control in San Juan, Puerto Rico, concerning foreign facility deviations in the national airspace near Puerto Rico. 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,

A handwritten signature in cursive script, appearing to read "Debra J. Rosen for".

Judith S. Kaleta  
Assistant General Counsel for General Law

Enclosure



## Federal Aviation Administration

---

### Memorandum

Date: JUL 23 2012

To: Judith S. Kaleta  
Assistant General Counsel for General Law, C-10

From: *EJ for* H. Clayton Foushee, Director, Audit and Evaluation, AAE-1

Subject: Status Report on Office of Special Counsel Case Nos. DI-08-2954 and  
DI-11-0747 regarding San Juan CERAP and Foreign Facility Deviation  
Corrective Actions

---

This is a follow-up status report concerning the allegation described in the Office of Inspector General (OIG) report of investigation (ROI) dated August 25, 2011. Following the Office of Special Counsel (OSC) referral of case No. DI-11-0747 dated May 10, 2011 and the OIG ROI dated August 25, 2011, the Federal Aviation Administration (FAA) responded to the allegation and three recommendations with a corrective action plan. This serves as an update to that plan.

The FAA agrees with the OIG's finding that Foreign Facility Deviations (FFDs) into San Juan CERAP airspace do not pose a substantial and specific danger to aviation safety. These FFDs occur when a non-US controlled aircraft from foreign airspace deviates into (enters) adjacent airspace controlled by the San Juan CERAP, at other than expected/intended location or at altitude/route/speed other than expected/intended without timely coordination/ clearance or authorization.

The FAA is still attempting to improve the communications capability between San Juan CERAP (ZSU) and the neighboring flight information regions (FIR) to lower the risk associated with aircraft handoffs. Although the FAA would like radar target sharing and communication lines such as "shout lines" established directly between ZSU and each of the neighboring FIRs, there remains political and technical barriers typical of bilateral international agreements (i.e., common objectives, preferential treatment, cooperation incentives, fiscal cost-sharing, availability of material resources, signing opportunities, etc.).

The "shout-line" proposed between ZSU and Santo Domingo FIR (MDCS) is still not operational. MDCS is internally relocating certain operations to Punta Cana Airport and desire the shout-line be implemented at a different facility than originally planned in 2011. A meeting held the week of June 4, 2012 included discussion of the shout-line and MDCS confirmed that even with the move to a new facility they plan to complete the shout-line connection very soon.

The FAA is pleased to report the successful nationwide implementation of the Comprehensive Electronic Data Analysis and Reporting (CEDAR) system, and foreign facility deviation (FFD) reporting is now more transparent and timely. ZSU reported eight FFDs prior to CEDAR implementation – between October 1, 2011 and January 29, 2012.

The breakdown of FFDs by country (FIR) for this four-month period was as follows:

- 1- Curacao, Netherlands Antilles (TNCF)
- 1- Dominican Republic (MDCS)
- 1- St. Maarten (TNM)
- 5- Piarco, Trinidad and Tobago (TTZP)

ZSU reported six FFDs following CEDAR implementation – between January 30, 2012 and May 31, 2012. The breakdown of FFDs by country (FIR) for this four-month period was as follows:

- 1- Curacao, Netherlands Antilles (TNCF)
- 1- Maiquetia, Venezuela (SVZM)
- 1- St. Kitts (TKPK)
- 3- Piarco, Trinidad and Tobago (TTZP)
- 0- Dominican Republic (MDCS)

In 2009, San Juan recorded 52 FFDs. In 2010, 76 FFDs were recorded and during 2011, only 18 FFDs were recorded, pointing to 76 percent reduction in FFDs over the previous year. Preliminary analysis of the increased number of FFDs originating from Piarco FIR (TTZP) shows that many aircraft departing from the southern portion of TTZP receive climb clearances before reaching ZSU airspace, and the newest cruise altitude for some of these aircraft are not being coordinated prior to the ZSU boundary. We are encouraged by the overall FFD trend during the past few months and will continue to monitor this trend.

The Dominican Republic Air Navigation Services umbrella agreement (NAT-I-1015) contain the terms and conditions that apply to the development and sustainment of air navigation services the Radar Data Sharing annex (NATI-1015-1) contains specific terms and conditions related to radar sharing. Both countries signed the agreements at the recent Central Caribbean Directors of Civil Aviation Meeting in Punta Cana on July 10, 2012.

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

cc: Director of Air Traffic Safety Oversight Service  
Vice President, En Route and Oceanic Services