Federal Aviation Administration

Memorandum

Date: APR 11 2011

To: All Directors, En Route and Oceanic Operations Service Areas

From: [redacted], Director, Safety and Operations Support, AJE-3

Subject: Interpretation, FAA Order 7110.65, Air Traffic Control; Chapter 5, Radar; Paragraph 5-5-5, Vertical Application, Subparagraph b.

This is in response to a request for interpretation submitted by the Eastern Service Area on behalf of New York Air Route Traffic Control Center (ZNY) regarding the application of vertical separation. The following question was asked:

"If a controller uses the observed leaving rule (5-5-5 b.) to assign an altitude and there is a violation of the wake turbulence minima as specified in paragraph 5-5-4 e., has the controller had an operational error?"

An interpretation is not the proper forum to address whether some particular circumstance is an operational error. An interpretation provides clarity to already written guidance. Paragraph 5-5-5 is independent of paragraph 5-5-4 and in the en route domain; controllers should apply 5-5-5 b. as written. The notes following paragraph 5-5-5 b. emphasize good judgment be applied to each individual situation based on varied factors.

Additionally, Chapter 6. Nonradar, Section 6. Vertical Separation contains a similar procedure with advisory notes as in 5-5-5b. Air traffic control has safely applied the provisions of these paragraphs for decades without any reference to wake turbulence.

Please forward any questions or comments to [redacted], En Route Operations Standards, [redacted].