

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

(i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or

(ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



**Transportation
Security
Administration**

(b)(3)-49 U.S.C. §
114(r)

By Certified Mail - Return Receipt Requested

(b)(6);(b)(3)-49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3)-49
U.S.C. § 114(r)

Dear (b)(6);(b)(3)-49
U.S.C. § 114(r)

On May 21, 2009, the Transportation Security Administration (TSA) served upon you an Initial Notification of Threat Assessment and concurrently notified the Federal Aviation Administration (FAA) that you pose, or are suspected of posing, a security threat. This letter provides you with information should you wish to submit a reply or seek the releasable materials upon which that Initial Notification was based.

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. A copy of this regulation has been included for your reference.

No later than 15 calendar days after the date of service of this letter, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of this letter, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In the event that you wish to seek releasable materials or submit a reply, you should serve all documents upon:

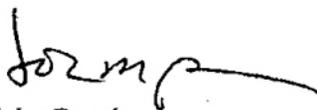
Robert G. Seasonwein
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



John Busch
Deputy Director
Security Threat Assessment Operations

enc.

Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 18, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat.* An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel.* The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment—(1) Issuance.* If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(1) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information

described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other in-

formation or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]



**Transportation
Security
Administration**

By Registered Mail - Return Receipt Requested

(b)(3);49 U.S.C. §
114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6);(b)(3);49
U.S.C. § 114(r)

(b)(6);(b)(3);49
U.S.C. § 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

The Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbit
Administrator
Federal Aviation Administration

U.S. Department of Homeland Security
Arlington, Virginia 20598



**Transportation
Security
Administration**

By Certified Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. §
114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration **Airman Certificate Number** (b)(6);(b)(3);49
and Medical Certificate Number (b)(6);(b)(3);49 U.S.C. § 114(r) U.S.C. § 114(r)

Dear (b)(6);(b)(3);49 U.S.C. §
114(r)

This letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, and pursuant to 49 United States Code § 46111, I have determined that you pose or are suspected of posing a security threat. Accordingly, TSA is initiating the process to revoke all certificates issued to you by the Federal Aviation Administration (FAA).

As part of this process, TSA is concurrently notifying the FAA of the determination that you pose or are suspected of posing a security threat and requesting that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be

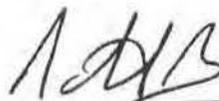
appealed by either party to the Transportation Security Oversight Board (TSOB). The TSOB shall issue a Final Determination, which constitutes a final agency order. You should serve all documents upon:

Peter Zolper
Acting Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,



Robert Bray
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Numbers

(b)(6);(b)(3):49
U.S.C. § 114(r)

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificates, ratings, or authorizations will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificates or any part of your certificates, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Hatfield, Jr.", with a stylized flourish at the end.

Mark O. Hatfield, Jr.
Acting Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

- (i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or
- (ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
Security
Administration

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Numbers

(b)(6);(b)(3):49
U.S.C. § 114(r)

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Mark O. Hatfield, Jr.
Acting Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3);49 U.S.C. §
114(r)

By First Class, Registered, and Certified Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3);49
U.S.C. § 114(r)

Dear (b)(6);(b)(3);
49

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

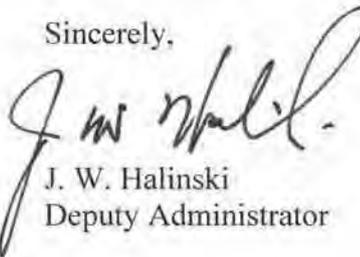
Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,

A handwritten signature in black ink, appearing to read "J W Halinski". The signature is written in a cursive style with a large initial "J".

J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.

(1) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 21, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat.* An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel.* The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment—(1) Issuance.* If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

(i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or

(ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
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(b)(3):49 U.S.C. §
114(r)

By First Class, Certified, and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

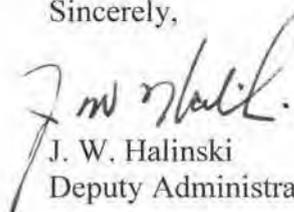
Dear (b)(6);(b)(3):
49

On (b)(3):49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,


J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class and Certified Mail - Return Receipt Requested

(b)(6),(b)(3):49 U.S.C. § 114(r)

(b)(6),(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6),(b)(3):49 U.S.C. § 114(r) and
Medical Certificate Number (b)(6),(b)(3):49 U.S.C. § 114(r)

Dear (b)(6),(b)(3):49 U.S.C. §
114(r)

This letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, and pursuant to 49 United States Code § 46111, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process to revoke all certificates issued to you by the Federal Aviation Administration (FAA).

As part of this process, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the

conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The TSOB shall issue a Final Determination, which constitutes a final agency order. You should serve all documents upon:

Robert G. Seasonwein

Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,


for  Mark O. Hatfield, Jr.
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

(b)(3);49 U.S.C. §
114(r)



U.S. Department of Homeland Security
Arlington, Virginia 20598

**Transportation
Security
Administration**

By First Class and Certified Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3);4
(b)(6);(b)(3);49 U.S.C. § 114(r) and Medical Certificate Number (b)(6);(b)(3);49 U.S.C.
§ 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

This letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, and pursuant to 49 United States Code § 46111, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process to revoke all certificates issued to you by the Federal Aviation Administration (FAA).

As part of this process, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB).

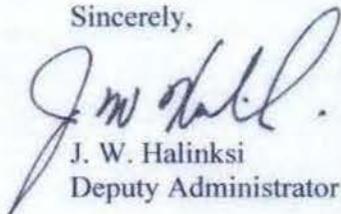
The TSOB shall issue a Final Determination, which constitutes a final agency order. You should serve all documents upon:

Peter Zolper
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,



J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Acting Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

By First Class and Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

and Medical Certificate Number

(b)(6);(b)(3):49 U.S.C. §
114(r)

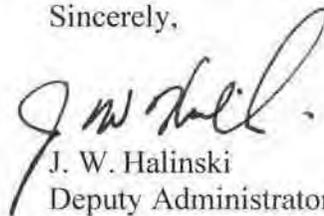
Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 United States Code § 46111.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment.

Sincerely,



J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Acting Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

Peter Zolper
Acting Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

enc.



**Transportation
Security
Administration**

The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3)-49
U.S.C. § 114(r)

Dear Administrator Babbitt:

The Transportation Security Administration (TSA) has issued an Initial Notification of Threat Assessment to (b)(6);(b)(3)-49 U.S.C. § 114(r) informing him that he poses, or is suspected of posing, a security threat under 49 C.F.R. § 1540.117.

After personally reviewing the materials available to TSA, pursuant to 49 U.S.C. § 46111, I am notifying you that (b)(6);(b)(3)-49 U.S.C. § 114(r) poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. I request that you issue an order to (b)(6);(b)(3)-49 (b)(6);(b)(3)-49 suspending all certificates issued by the Federal Aviation Administration under 49 U.S.C. Chapter 447, and that the order be effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Kauffman".

Keith Kauffman
Acting Deputy Administrator

cc: Peter J. Lynch
Federal Aviation Administration



Transportation
Security
Administration

By First Class and Registered Mail - Return Receipt Requested

(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49 U.S.C. § 114(r)

Dear

(b)(6);(b)(3):49 U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r), the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment, your letter of (b)(3):49 U.S.C. § 114(r), the materials received from you on or about (b)(3):49 U.S.C. § 114(r), your reply and enclosures of (b)(3):49 U.S.C. § 114(r), and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the Federal Aviation Administration (FAA) of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49
Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r) and
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

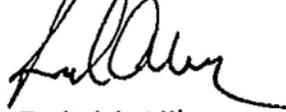
Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Roderick Allison
Acting Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.



**Transportation
Security
Administration**

By Certified Mail - Return Receipt Requested

(b)(3) 49 U.S.C. §
114(r)

(b)(6);(b)(3) 49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6);(b)(3) 49
U.S.C. § 114(r)

(b)(6);(b)(3) 49
U.S.C. § 114(r)

Dear (b)(6);(b)(3) 49
U.S.C. § 114(r)

This letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, and pursuant to 49 United States Code § 46111, I have determined that you pose or are suspected of posing a security threat. Accordingly, TSA is initiating the process to revoke all certificates issued to you by the Federal Aviation Administration (FAA).

As part of this process, TSA is concurrently notifying the FAA of the determination that you pose or are suspected of posing a security threat and requesting that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The

TSOB shall issue a Final Determination, which constitutes a final agency order. You should serve all documents upon:

Kelly D. Wheaton
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)
& Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 United States Code § 46111.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment.

Sincerely,

Robert Bray
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class, Certified and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. §
114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Hatfield, Jr.", written in a cursive style.

Mark O. Hatfield, Jr.
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(h) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

- (1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).
- (2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).
- (3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.
- (4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.
- (5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14019, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

- (i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or
- (ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class, Certified and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

Dear (b)(6);(b)(3):49 U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Mark O. Hatfield, Jr.
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

(b)(3):49 U.S.C. §
114(r)

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

Kelly D. Wheaton
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbitt
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

(b)(3):49 U.S.C. § 114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Dear

(b)(6);(b)(3):49 U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r), the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment, your letter and enclosures of (b)(3):49 U.S.C. § 114(r), your reply of (b)(3):49 U.S.C. § 114(r) and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the Federal Aviation Administration (FAA) of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

By Registered Mail - Return Receipt Requested

(b)(3);49 U.S.C. §
114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3);49
& Medical Certificate Number (b)(6);(b)(3);49 U.S.C. U.S.C. § 114(r)
§ 114(r)

Dear (b)(6);(b)(3);49 U.S.C. §
114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

Peter Zolper
Acting Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbit
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

§ 1540.117

49 CFR Ch. XII (10-1-09 Edition)

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

(i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or
(ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3);49
& Medical Certificate Number (b)(6);(b)(3);49 U.S.C. § 114(r)

Dear (b)(6);(b)(3);49 U.S.C. §
114(r)

On (b)(3);49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served
upon you and the Federal Aviation Administration an Initial Notification of Threat
Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and
materials available to TSA, I have determined that you pose a security threat.
Accordingly, TSA is concurrently notifying the Federal Aviation Administration (FAA)
of the determination that you pose a security threat and requesting the FAA to revoke all
of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49
C.F.R. § 1540.117.

Sincerely,

Robert Bray
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(3);49 U.S.C. §
114(r)

(b)(6);(b)(3);49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment, (b)(6);(b)(3);49 U.S.C. §
114(r)
Federal Aviation Administration Airman Certificate Numbers (b)(6);(b)(3);49
U.S.C. § 114(r)

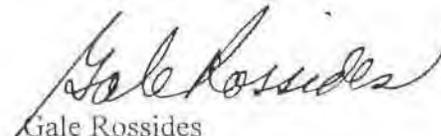
Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

The Transportation Security Administration (TSA) served upon your client and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117(e).

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that your client poses a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that your client poses a threat and requesting the FAA to revoke his airman certificate, rating or authorization.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117(f)(2).

Sincerely,


Gale Rossides
Deputy Administrator

cc: Robert A. Sturgell
Acting Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. § 114(r)

By Registered Mail - Return Receipt Requested and Air Mail

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Certificate Number (b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. §
114(r)

Pursuant to 49 C.F.R. § 1540.117(e), this letter serves as an Initial Notification of a Threat Assessment. Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose a security threat.

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and who holds an FAA Airman Certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve a written request for copies of the releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification of Threat Assessment no later than 15 calendar days after the date of service of this Initial Notification, or the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

You should serve all documents upon:

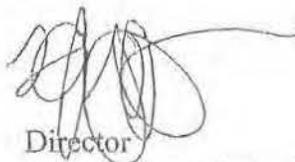
Robert G. Seasonwein
Assistant Chief Counsel
Criminal Enforcement
TSA Headquarters-West Tower
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,

A handwritten signature in black ink, appearing to be the name of the Director, written over a circular stamp or seal.

Director
Aviation and Analysis Directorate
Transportation Threat Assessment and Credentialing

cc: Marion C. Blakey
Administrator
Federal Aviation Administration

cnc.



**Transportation
Security
Administration**

(b)(3) 49 U.S.C. §
114(r)

By Certified Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3);49
U.S.C. § 114(r)

Dear (b)(6);(b)(3);49 U.S.C.
§ 114(r)

On (b)(3);49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served upon you an Initial Notification of Threat Assessment and concurrently notified the Federal Aviation Administration (FAA) that you pose, or are suspected of posing, a security threat. This letter provides you with information should you wish to submit a reply or seek the releasable materials upon which that Initial Notification was based.

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. A copy of this regulation has been included for your reference.

No later than 15 calendar days after the date of service of this letter, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of this letter, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In the event that you wish to seek releasable materials or submit a reply, you should serve all documents upon:

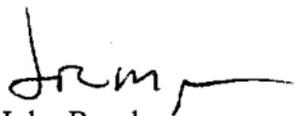
Robert G. Seasonwein
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



John Busch
Deputy Director
Security Threat Assessment Operations

enc.

Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat.* An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel.* The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment—(1) Issuance.* If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information

described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other in-

formation or material not warranting disclosure or protected from disclosure under law.

[66 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]



Transportation
Security
Administration

(b)(3):49 U.S.C. § 114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r) and
Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

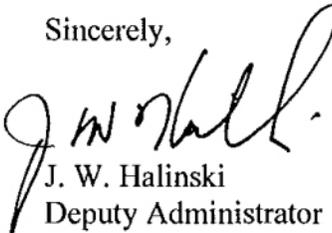
Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3);49
and Medical Certificate Number (b)(6);(b)(3);49
U.S.C. § 114(r)

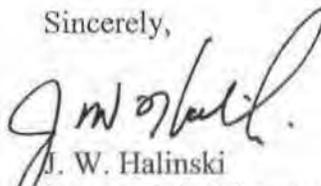
Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

On (b)(3);49 U.S.C. § the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,


J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

By Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
and Medical Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you an Initial Notification of Threat Assessment (Initial Notification) pursuant to 49 C.F.R. § 1540.117 and concurrently notified the Federal Aviation Administration (FAA) that you pose, or are suspected of posing, a security threat. By letter dated (b)(3):49 U.S.C. § 114(r), TSA corrected the reference from 49 C.F.R. § 1540.117 to 49 C.F.R. § 1540.115 in its Initial Notification and provided you with information should you wish to submit a reply or seek the releasable materials upon which that Initial Notification was based. The Initial Notification, however, is governed not by 49 C.F.R. § 1540.115, but 49 U.S.C. § 46111.

In addition, although the Initial Notification of (b)(3):49 U.S.C. § 114(r) and correspondence of (b)(3):49 U.S.C. § 114(r) only referenced FAA Airman Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r) please be advised the Initial Notification also relates to Medical Certificate Number

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

After personally reviewing the Initial Notification and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a threat and requesting the FAA to revoke all certificates issued to you by the FAA.

This letter serves as a Final Notification of Threat Assessment.

Sincerely,

Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator, Federal Aviation Administration



**Transportation
Security
Administration**

(b)(3):49 U.S.C. §
114(r)

By Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

**Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number**

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r), the Transportation Security Administration (TSA) served upon you an Initial Notification of Threat Assessment and concurrently notified the Federal Aviation Administration (FAA) that you pose, or are suspected of posing, a security threat. This letter provides you with information should you wish to submit a reply or seek the releasable materials upon which that Initial Notification was based.

Section 1540.115 of Title 49, Code of Federal Regulations, sets forth the procedure by which TSA notifies individuals and the FAA of TSA's assessment that an individual who is U.S. Citizen and holds an FAA Airman Certificate, rating, or authorization poses a security threat. A copy of this regulation has been included for your reference.

No later than 15 calendar days after the date of service of this letter, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of this letter, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, DC area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The TSOB shall issue a Final Determination, which constitutes a final agency order.

In the event that you wish to seek releasable materials or submit a reply, you should serve all documents upon:

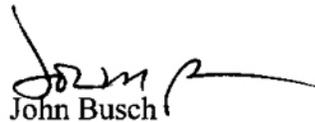
Robert G. Seasonwein
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



John Busch
Deputy Director
Security Threat Assessment Operations

enc.

§ 1540.107

49 CFR Ch. XII (10-1-08 Edition)

§ 1540.107 **Submission to screening and inspection.**

No individual may enter a sterile area or board an aircraft without submitting to the screening and inspection of his or her person and accessible property in accordance with the procedures being applied to control access to that area or aircraft under this subchapter.

[67 FR 41639, June 19, 2002]

§ 1540.109 **Prohibition against interference with screening personnel.**

No person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter.

§ 1540.111 **Carriage of weapons, explosives, and incendiaries by individuals.**

(a) *On an individual's person or accessible property—prohibitions.* Except as provided in paragraph (b) of this section, an individual may not have a weapon, explosive, or incendiary, on or about the individual's person or accessible property—

(1) When performance has begun of the inspection of the individual's person or accessible property before entering a sterile area, or before boarding an aircraft for which screening is conducted under this subchapter;

(2) When the individual is entering or in a sterile area; or

(3) When the individual is attempting to board or onboard an aircraft for which screening is conducted under §§ 1544.201, 1546.201, or 1562.23 of this chapter.

(b) *On an individual's person or accessible property—permitted carriage of a weapon.* Paragraph (a) of this section does not apply as to carriage of firearms and other weapons if the individual is one of the following:

(1) Law enforcement personnel required to carry a firearm or other weapons while in the performance of law enforcement duty at the airport.

(2) An individual authorized to carry a weapon in accordance with §§ 1544.219, 1544.221, 1544.223, 1546.211, or subpart B of part 1562 of this chapter.

(3) An individual authorized to carry a weapon in a sterile area under a security program.

(c) *In checked baggage.* A passenger may not transport or offer for transport in checked baggage or in baggage carried in an inaccessible cargo hold under § 1562.23 of this chapter:

(1) Any loaded firearm(s).

(2) Any unloaded firearm(s) unless—

(i) The passenger declares to the aircraft operator, either orally or in writing, before checking the baggage, that the passenger has a firearm in his or her bag and that it is unloaded;

(ii) The firearm is unloaded;

(iii) The firearm is carried in a hard-sided container; and

(iv) The container in which it is carried is locked, and only the passenger retains the key or combination.

(3) Any unauthorized explosive or incendiary.

(d) *Ammunition.* This section does not prohibit the carriage of ammunition in checked baggage or in the same container as a firearm. Title 49 CFR part 175 provides additional requirements governing carriage of ammunition on aircraft.

[67 FR 8353, Feb. 22, 2002, as amended at 67 FR 41639, June 19, 2002; 70 FR 41600, July 19, 2005; 71 FR 30507, May 26, 2006]

§ 1540.113 **Inspection of airman certificate.**

Each individual who holds an airman certificate, medical certificate, authorization, or license issued by the FAA must present it for inspection upon a request from TSA.

§ 1540.115 **Threat assessments regarding citizens of the United States holding or applying for FAA certificates, ratings, or authorizations.**

(a) *Applicability.* This section applies when TSA has determined that an individual who is a United States citizen and who holds, or is applying for, an airman certificate, rating, or authorization issued by the Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Administrator means the Administrator of the Transportation Security Administration.

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

- (1) The date of personal delivery in the case of personal service;
- (2) The mailing date shown on the certificate of service;
- (3) The date shown on the postmark if there is no certificate of service; or
- (4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

- (1) A threat to transportation or national security;
- (2) A threat of air piracy or terrorism;
- (3) A threat to airline or passenger security; or
- (4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

- (i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and
- (ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request

for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the individual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The

§ 1540.117

49 CFR Ch. XII (10-1-08 Edition)

Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

(68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003)

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

- (1) The date of personal delivery in the case of personal service;
- (2) The mailing date shown on the certificate of service;
- (3) The date shown on the postmark if there is no certificate of service; or
- (4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat.* An individual poses a security threat when the individual is suspected of posing, or is known to pose—

- (1) A threat to transportation or national security;
- (2) A threat of air piracy or terrorism;
- (3) A threat to airline or passenger security; or
- (4) A threat to civil aviation security.

(d) *Representation by counsel.* The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment—(1) Issuance.* If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(6),(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6),(b)(3):49 U.S.C. § 114(r)

(b)(6),(b)(3):49 U.S.C. § 114(r)

Dear

(b)(6),(b)(3):49 U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 United States Code § 46111.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment.

Sincerely,

Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

By Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. §
114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

This letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, and pursuant to 49 United States Code § 46111, I have determined that you pose or are suspected of posing a security threat. Accordingly, TSA is initiating the process to revoke all certificates issued to you by the Federal Aviation Administration (FAA).

As part of this process, TSA is concurrently notifying the FAA of the determination that you pose or are suspected of posing a security threat and requesting that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The

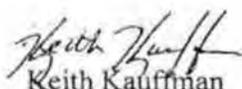
TSOB shall issue a Final Determination, which constitutes a final agency order. You should serve all documents upon:

Peter Zolper
Acting Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3);49 U.S.C. §
114(r)

By First Class and Certified Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
and Medical Certificate Number

(b)(6);(b)(3);49
U.S.C. § 114(r)

(b)(6);(b)(3);49
U.S.C. §

Dear (b)(6);(b)(3);49 U.S.C. §
114(r)

On (b)(3);49 U.S.C. §
114(r), the Transportation Security Administration (TSA) served upon
you and the Federal Aviation Administration (FAA) an Initial Notification of Threat
Assessment pursuant to 49 United States Code § 46111.

After personally reviewing the Initial Notification of Threat Assessment and
materials available to TSA, I have determined that you pose, or are suspected of posing, a
security threat. Accordingly, TSA is concurrently notifying the FAA of the
determination that you pose, or are suspected of posing, a security threat and requesting
the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment.

Sincerely,

A handwritten signature in black ink, appearing to be "Melvin J. Carraway", with a long, sweeping flourish extending to the right.

Melvin J. Carraway
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class, Registered and Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. §
114(r)

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As part of this process, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The

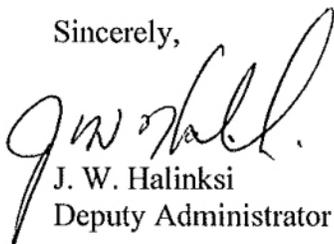
TSOB shall issue a Final Determination, which constitutes a final agency order. You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,



J. W. Halinksi
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

(1) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

(i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or

(ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
Security
Administration

(b)(3):49 U.S.C. § 114(r)

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. § 114(r)

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which the Transportation Security Administration (TSA) notifies individuals and the Federal Aviation Administration (FAA) of TSA's assessment that an individual who is an alien and who holds an FAA Airman Certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

Pursuant to 49 C.F.R. § 1540.117(e), this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the TSA, which I have personally reviewed, I have determined that you may pose a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization may be revoked.

As part of that process, TSA is concurrently notifying the FAA of the determination that you may pose a threat and requesting that the FAA suspend your airman certificate, rating or authorization.

No later than 15 calendar days after the date of service of the FAA's order suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the FAA's order, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

You should serve all documents upon:

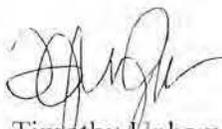
Assistant Chief Counsel
Criminal Enforcement
TSA Headquarters-East Tower
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Timothy Upham
Director
Aviation and Analysis Directorate
Transportation Threat Assessment
and Credentialing

cc: Marion C. Blakey
Administrator
Federal Aviation Administration

enc.



**Transportation
Security
Administration**

(b)(3):49 U.S.C. §
114(r)

By Registered Mail - Return Receipt Requested

(b)(6),(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Numbers

(b)(6),(b)(3):49
U.S.C. § 114(r)

Dear (b)(6),(b)(3):49
U.S.C. § 114(r)

The Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117(e).

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose a threat and requesting the FAA to revoke your airman certificate, rating or authorization.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117(f)(2).

Sincerely,


Gale Rossides
Deputy Administrator

cc: Robert A. Sturgell
Acting Administrator
Federal Aviation Administration



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3);49
U.S.C. § 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

The Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Kauffman".

Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbitt
Administrator
Federal Aviation Administration

U.S. Department of Homeland Security
Arlington, Virginia 20598



Transportation
Security
Administration

By Certified Mail - Return Receipt Requested

(b)(3):49 U.S.C. §
114(r)

(b)(6),(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6),(b)(3):49
U.S.C. § 114(r)

Dear (b)(6),(b)(3):49
U.S.C. § 114(r)

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which the Transportation Security Administration (TSA) notifies individuals and the Federal Aviation Administration (FAA) of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

Pursuant to 49 C.F.R. § 1540.117(e), this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization may be revoked.

No later than 15 calendar days after the date of service of the FAA's order suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the FAA's order, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel

Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,


Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbitt
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

By Certified Mail - Return Receipt Requested

(b)(3):49 U.S.C. §
114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which the Transportation Security Administration (TSA) notifies individuals and the Federal Aviation Administration (FAA) of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

Pursuant to 49 C.F.R. § 1540.117(e), this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization may be revoked.

No later than 15 calendar days after the date of service of the FAA's order suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the FAA's order, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel

Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbitt
Administrator
Federal Aviation Administration

enc.



**Transportation
Security
Administration**

By Registered Mail - Return Receipt Requested

(b)(3);49 U.S.C. § 114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3);49
U.S.C. § 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

On (b)(3);49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 United States Code § 46111.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, including your written responses, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment.

Sincerely,

A handwritten signature in black ink that reads "Keith Kauffman".

Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbitt
Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

(b)(3) 49 U.S.C. §
114(r)

By Certified Mail - Return Receipt Requested

(b)(6),(b)(3) 49 U.S.C. §
114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6),(b)(3) 49
U.S.C. § 114(r)

Dear (b)(6),(b)(3) 49
U.S.C. § 114(r)

On (b)(3) 49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served upon you an Initial Notification of Threat Assessment and concurrently notified the Federal Aviation Administration (FAA) that you pose, or are suspected of posing, a security threat. This letter provides you with information should you wish to submit a reply or seek the releasable materials upon which that Initial Notification was based.

Section 1540.115 of Title 49, Code of Federal Regulations, sets forth the procedure by which TSA notifies individuals and the FAA of TSA's assessment that an individual who is a U.S. Citizen and holds an FAA Airman Certificate, rating, or authorization poses a security threat. A copy of this regulation has been included for your reference.

No later than 15 calendar days after the date of service of this letter, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of this letter, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, DC area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The TSOB shall issue a Final Determination, which constitutes a final agency order.

In the event that you wish to seek releasable materials or submit a reply, you should serve all documents upon:

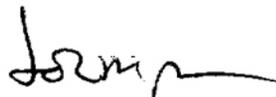
Robert G. Seasonwein
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



John Busch
Deputy Director
Security Threat Assessment Operations

enc.

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

- (1) The date of personal delivery in the case of personal service;
- (2) The mailing date shown on the certificate of service;
- (3) The date shown on the postmark if there is no certificate of service; or
- (4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

- (1) A threat to transportation or national security;
- (2) A threat of air piracy or terrorism;
- (3) A threat to airline or passenger security; or
- (4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

- (i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and
- (ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request

for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the individual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The

§ 1540.117

49 CFR Ch. XII (10-1-08 Edition)

Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

- (1) The date of personal delivery in the case of personal service;
- (2) The mailing date shown on the certificate of service;
- (3) The date shown on the postmark if there is no certificate of service; or
- (4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat.* An individual poses a security threat when the individual is suspected of posing, or is known to pose—

- (1) A threat to transportation or national security;
- (2) A threat of air piracy or terrorism;
- (3) A threat to airline or passenger security; or
- (4) A threat to civil aviation security.

(d) *Representation by counsel.* The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment—*(1) *Issuance.* If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information



Transportation
Security
Administration

(b)(3);49 U.S.C. §
114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Medical Certificate Number (b)(6);(b)(3);49 U.S.C.
§ 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

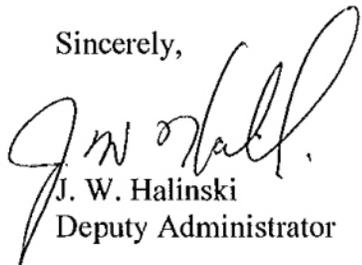
Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

- (1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).
- (2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).
- (3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.
- (4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.
- (5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—
Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

- (i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or
- (ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C.
§ 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

A handwritten signature in black ink, appearing to read "J. W. Halinski".

J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

By Registered Mail - Return Receipt Requested

(b)(3) 49 U.S.C. §
114(r)

(b)(6);(b)(3) 49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3) 49
U.S.C. § 114(r)

Dear (b)(6);(b)(3) 49
U.S.C. § 114(r):

On (b)(3) 49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served upon
you and the Federal Aviation Administration an Initial Notification of Threat Assessment
pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and
materials available to TSA, I have determined that you pose a security threat.
Accordingly, TSA is concurrently notifying the Federal Aviation Administration (FAA)
of the determination that you pose a security threat and requesting the FAA to revoke all
of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49
C.F.R. § 1540.117.

Sincerely,

Keith Kauffman
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

Stephen J. Fearon
Condon & Forsyth LLP
7 Times Square
New York, NY 10036

U.S. Department of Homeland Security
Arlington, Virginia 20598



**Transportation
Security
Administration**

By Certified Mail - Return Receipt Requested

(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which the Transportation Security Administration (TSA) notifies individuals and the Federal Aviation Administration (FAA) of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

Pursuant to 49 C.F.R. § 1540.117(e), this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization may be revoked.

No later than 15 calendar days after the date of service of the FAA's order suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the FAA's order, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Threat Assessment and Internal Investigations

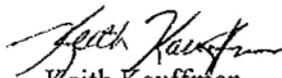
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbitt
Administrator
Federal Aviation Administration

enc.



**Transportation
Security
Administration**

(b)(3):49 U.S.C. §
114(r)

The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear Administrator Babbitt:

The Transportation Security Administration (TSA) has issued an Initial Notification of Threat Assessment to (b)(6);(b)(3):49 U.S.C. § 114(r) informing him that he poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety.

After personally reviewing the materials available to TSA, pursuant to 49 U.S.C. § 46111, I am notifying you that (b)(6);(b)(3):49 U.S.C. § 114(r) or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger security. I request that you issue an order to (b)(6);(b)(3):49 U.S.C. § 114(r) suspending all certificates issued by the Federal Aviation Administration under 49 U.S.C. Chapter 447, and that the order be effective immediately.

Sincerely,

A handwritten signature in black ink that reads "Keith Kauffman".

Keith Kauffman
Acting Deputy Administrator

cc: Peter J. Lynch
Federal Aviation Administration



**Transportation
Security
Administration**

(b)(3):49 U.S.C. §
114(r)

By Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C. §
114(r), the Transportation Security Administration (TSA) served upon you an Initial Notification of Threat Assessment and concurrently notified the Federal Aviation Administration (FAA) that you pose, or are suspected of posing, a security threat. This letter provides you with information should you wish to submit a reply or seek the releasable materials upon which that Initial Notification was based.

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. A copy of this regulation has been included for your reference.

No later than 15 calendar days after the date of service of this letter, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of this letter, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In the event that you wish to seek releasable materials or submit a reply, you should serve all documents upon:

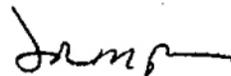
Robert G. Seasonwein
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



John Busch
Deputy Director
Security Threat Assessment Operations

enc.



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment

Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49
U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r) & Medical Certificate Number (b)(6);(b)(3):49 U.S.C.

Dear (b)(6);(b)(3):49 U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

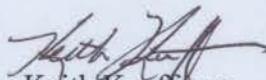
Peter Zolper
Acting Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

(i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or

(ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6);(b)(3);49
U.S.C. § 114(r)

(b)(6);(b)(3);49
U.S.C. § 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

On (b)(3);49 U.S.C. § 114(r), the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the Federal Aviation Administration (FAA) of the determination that you pose, or are suspected of posing, a security threat, and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



U.S. Department of Homeland Security
Arlington, Virginia 20598

**Transportation
Security
Administration**

The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49
Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r) and
U.S.C. § 114(r)

Dear Administrator Babbitt:

The Transportation Security Administration (TSA) has issued an Initial Notification of Threat Assessment to (b)(6);(b)(3):49 U.S.C. § 114(r) informing him that he poses, or is suspected of posing, a security threat under 49 C.F.R. § 1540.117.

After personally reviewing the materials available to TSA, pursuant to 49 U.S.C. § 46111, I am notifying you that (b)(6);(b)(3):49 U.S.C. § 114(r) poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. I request that you issue an order to (b)(6);(b)(3):49 U.S.C. § 114(r) suspending all certificates issued by the Federal Aviation Administration under 49 U.S.C. Chapter 447, and that the order be effective immediately.

Sincerely,

Robert Bray
Acting Deputy Administrator

cc: Peter J. Lynch
Federal Aviation Administration



**Transportation
Security
Administration**

By Registered Mail - Return Receipt Requested

(b)(3) 49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment for (b)(6);(b)(3):49 U.S.C. § 114(r)
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)
& Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. § 114(r)

The Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbit
Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

By Certified Mail - Return Receipt Requested

(b)(3):49 U.S.C. §
114(r)

(b)(6),(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6),(b)(3):49
U.S.C. § 114(r)

Dear (b)(6),(b)(3):49
U.S.C. § 114(r)

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which the Transportation Security Administration (TSA) notifies individuals and the Federal Aviation Administration (FAA) of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

Pursuant to 49 C.F.R. § 1540.117(e), this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization may be revoked.

No later than 15 calendar days after the date of service of the FAA's order suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the FAA's order, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel

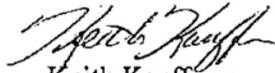
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbit
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

(b)(3)-49 U.S.C. §
114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3)-49 U.S.C. § 114(r)

(b)(6);(b)(3)-49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3)-49 U.S.C. § 114(r) and
Medical Certificate Number (b)(6);(b)(3)-49 U.S.C. § 114(r)

Dear (b)(6);(b)(3)-49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Hatfield". The signature is fluid and cursive, written over a white background.

Mark O. Hatfield, Jr.
Acting Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

By First Class and Registered Mail - Return Receipt Requested

(b)(3);49 U.S.C. § 114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3);49 U.S.C. § 114(r) and
Medical Certificate Number (b)(6);(b)(3);49 U.S.C. § 114(r)

Dear (b)(6);(b)(3);49 U.S.C. § 114(r)

On (b)(3);49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Mark O. Hatfield, Jr.
Acting Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

By First Class and Registered Mail - Return Receipt Requested

(b)(6),(b)(3):49 U.S.C. §
114(r)

(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Medical Certificate Number

(b)(6),(b)(3):49 U.S.C. §
114(r)

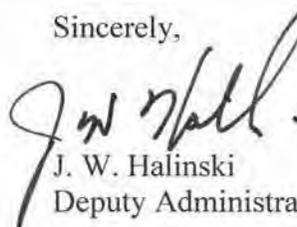
Dear (b)(6),(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C. §
114(r), the Transportation Security Administration (TSA) served
upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat
Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and
materials available to TSA, I have determined that you pose, or are suspected of posing, a
security threat. Accordingly, TSA is concurrently notifying the FAA of the
determination that you pose, or are suspected of posing, a security threat and requesting
the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49
C.F.R. § 1540.117.

Sincerely,


J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3)-49 U.S.C. §
114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3)-49 U.S.C. §
114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3)-49 U.S.C.
and Medical Certificate Number § 114(r)

Dear (b)(6);(b)(3)-49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificates, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificates or any part of your certificates, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

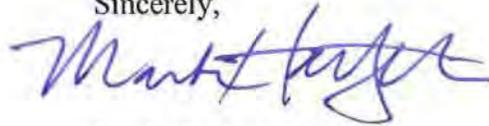
Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Hatfield, Jr.", with a stylized flourish at the end.

Mark O. Hatfield, Jr.
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Medical Certificate Number

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) Class Three Medical Certificate (issued on (b)(3):49 U.S.C. § 114(r)) will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

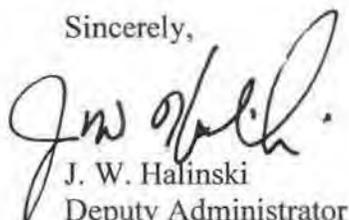
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Acting Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
(b)(6);(b)(3):49 U.S.C. § 114(r) and Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Mark O. Hatfield, Jr.
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Medical Certificate Number

(b)(6);(b)(3);49 U.S.C.
§ 114(r)

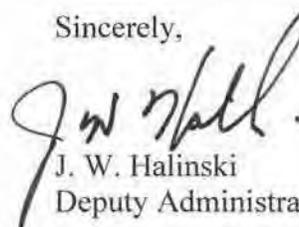
Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

On (b)(3);49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served
upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat
Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and
materials available to TSA, I have determined that you pose, or are suspected of posing, a
security threat. Accordingly, TSA is concurrently notifying the FAA of the
determination that you pose, or are suspected of posing, a security threat and requesting
the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49
C.F.R. § 1540.117.

Sincerely,


J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. § 114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Medical Certificate Number

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) Class Three Medical Certificate (issued on February 16, 2013) will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing, a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

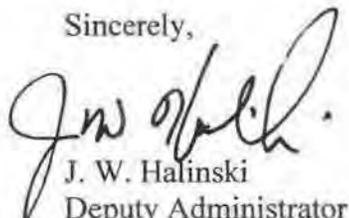
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Acting Administrator
Federal Aviation Administration

enc.



**Transportation
Security
Administration**

By Certified Mail - Return Receipt Requested

(b)(3);49 U.S.C. §
114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6);(b)(3);49
U.S.C. § 114(r)

(b)(6);(b)(3);49 U.S.C. §
114(r)

(b)(6);(b)(3);49
U.S.C. § 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

This letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, and pursuant to 49 United States Code § 46111, I have determined that you pose or are suspected of posing a security threat. Accordingly, TSA is initiating the process to revoke all certificates issued to you by the Federal Aviation Administration (FAA).

The TSA will notify the FAA of the determination that you pose or are suspected of posing a security threat and request that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The

TSOB shall issue a Final Determination, which constitutes a final agency order. You should serve all documents upon:

Constance Genter
Senior Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,



Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
and Medical Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served upon
you and the Federal Aviation Administration (FAA) an Initial Notification of Threat
Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and
materials available to TSA, I have determined that you pose, or are suspected of posing, a
security threat. Accordingly, TSA is concurrently notifying the FAA of the
determination that you pose, or are suspected of posing, a security threat and requesting
the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49
C.F.R. § 1540.117.

Sincerely,

Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

(b)(3):49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6):(b)(3):49
Medical Certificate Number (b)(6):(b)(3):49 U.S.C. § 114(r) and
U.S.C. § 114(r)

Dear Administrator Babbitt:

The Transportation Security Administration (TSA) has issued a Final Notification of Threat Assessment to (b)(6):(b)(3):49 U.S.C. § 114(r) informing him that he poses, or is suspected of posing, a security threat under 49 C.F.R. § 1540.117.

After personally reviewing the materials available to TSA, pursuant to 49 U.S.C. § 46111, I am notifying you that (b)(6):(b)(3):4 poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. I request that you issue an order to (b)(6):(b)(3):49 revoking all certificates issued to him by the Federal Aviation Administration under 49 U.S.C. Chapter 447, and that the order be effective immediately.

Sincerely,


Gale Rossides
Deputy Administrator

cc: Peter J. Lynch
Federal Aviation Administration



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(3):49 U.S.C. §
114(r)

(b)(6),(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6),(b)(3):49
& Medical Certificate Number (b)(6),(b)(3):4
U.S.C. § 114(r)

Dear (b)(6),(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

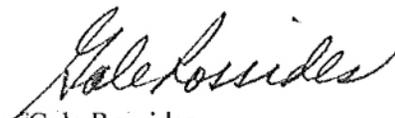
Constance Genter
Senior Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,


Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

enc.

(i) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12958 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 21, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Non-disclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12958 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 21, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

- (1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).
- (2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).
- (3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.
- (4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.
- (5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

- (i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or
- (ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

- (i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.
- (ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.
- (iii) Date and place of birth.
- (iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).
- (v) Gender.
- (vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.
- (vii) Alien registration number, if applicable.
- (viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49
& Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. §
114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

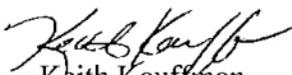
Peter Zolper
Acting Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbitt
Administrator
Federal Aviation Administration

enc.



**Transportation
Security
Administration**

By Certified Mail - Return Receipt Requested

(b)(3):49 U.S.C. §
114(r)

(b)(6),(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6),(b)(3):49
U.S.C. § 114(r)

Dear (b)(6),(b)(3):49
U.S.C. § 114(r)

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which the Transportation Security Administration (TSA) notifies individuals and the Federal Aviation Administration (FAA) of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

Pursuant to 49 C.F.R. § 1540.117(e), this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization may be revoked.

No later than 15 calendar days after the date of service of the FAA's order suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the FAA's order, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Threat Assessment and Internal Investigations

TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbit
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3);49
& Medical Certificate Number (b)(6);(b)(3);49 U.S.C. § 114(r)
U.S.C. § 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

On (b)(3);49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose a security threat. Accordingly, TSA is concurrently notifying the Federal Aviation Administration (FAA) of the determination that you pose a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Robert Bray
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

(b)(3):49 U.S.C. §

18:15 FAX

(b)(3):49 U.S.C. § 114(r)

003/ (b)(6),(b)(3): 49 U.S.C. § 114(r)



U.S. Department of Transportation
Federal Aviation Administration

800 Independence Avenue
Washington, D.C. 20591

(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED, U.S. REGULAR MAIL AND FEDERAL EXPRESS

(b)(6),(b)(3):49 U.S.C. § 114(r)

Re: Case No. (b)(6),(b)(3):49 U.S.C. § 114(r)

EMERGENCY ORDER OF SUSPENSION

Under 49 U.S.C. § 46105(c), the Administrator has determined that an emergency exists related to safety in air commerce and that immediate action to revoke your commercial pilot certificate, private pilot certificate, ground instructor certificate and any other airman certificate you hold is required. The reasons for this determination are set forth in the paragraph below entitled "Determination of Emergency."

Based on an investigation and all evidence presently before the Administrator, the Administrator finds that:

1. You are now, and at all times mentioned herein were, the holder of Commercial Pilot Certificate No. (b)(6),(b)(3):49 with Airplane Multi-engine Land, and Instrument ratings, issued under part 61 of the Federal Aviation Regulations, 14 C.F.R. part 61; Private Pilot Certificate No. (b)(6),(b)(3):49 with Airplane Single-engine Land rating, issued under part 61 of the Federal Aviation Regulations; and Aircraft Dispatcher Certificate No. (b)(6),(b)(3):49 issued under part 61 of the Federal Aviation Regulations.
2. On (b)(3):49 U.S.C. § 114(r) the Assistant Administrator for Intelligence of the Transportation Security Administration (TSA) informed you and the Federal Aviation Administration (FAA) that based upon his personal review of materials available to TSA, he "determined that you pose a security threat." The TSA Assistant Administrator further informed you of the process available to 49 C.F.R. § 1540.117 to reply to the TSA's Initial Notification of Threat Assessment.
3. As a result of the TSA Assistant Administrator's Initial Notification of Threat Assessment described above, you are not eligible under Section 61.18 of the Federal Aviation Regulations, 14 C.F.R. §61.18, to hold an airman certificate, rating, or authorization issued under part 61.

By reason of the foregoing facts and circumstances, the Administrator has determined that you presently lack the qualifications required of the holder of an airman certificate. The Administrator also has determined that safety in air commerce or air transportation and the public interest require the suspension of any airman certificate held by you, including your Commercial Pilot Certificate No. (b)(6);(b)(3) Private Pilot Certificate No. (b)(6);(b)(3) and Aircraft Dispatcher Certificate No. (b)(6);(b)(3) issued under part 61 of the Federal Aviation Regulations. The Administrator further finds that an emergency requiring immediate action exists with respect to safety in air commerce or air transportation. Accordingly this order is effective immediately

NOW, THEREFORE, IT IS ORDERED, pursuant to the authority vested in the Administrator by 49 U.S.C. §§ 44709(b)(1)(A) and 46105(c), that:

1. Any airman certificate held by you, including your Commercial Pilot Certificate No. (b)(6);(b)(3) Private Pilot Certificate No. (b)(6);(b)(3) and Aircraft Dispatcher Certificate No. (b)(6);(b)(3) issued under part 61 of the Federal Aviation Regulations, is suspended.
2. Such suspension shall become effective as of the date of this order.
3. Your certificate must be surrendered, immediately, by mail or delivery, to

Allan H. Horowitz
Manager, Enforcement Division, AGC-300
FAA Office of the Chief Counsel
800 Independence Avenue, S.W.
Washington, D.C. 20591
4. No application for a new airman certificate will be accepted from you, nor will any such certificate be issued to you, during the period of suspension.

DETERMINATION OF EMERGENCY

Under 49 U.S.C. §46105(c) the Administrator has determined that an emergency exists related to safety in air commerce. This determination is based on your lack of qualifications to hold any airman certificate issued under part 61 of the Federal Aviation Regulations, because you are ineligible under the Federal Aviation Regulations to hold FAA-issued airman certificates as set forth in this order.

By letter dated (b)(3) 49 U.S.C. § 114(r) the Assistant Administrator for Intelligence of the Transportation Security Administration (TSA) informed you and the Federal Aviation Administration (FAA) that based upon his personal review of materials available to TSA,

he "determined that you pose a security threat." The TSA Assistant Administrator further informed you of the process available in 49 C.F.R. § 1540.117 to reply to the TSA's Initial Notification.

Under the provisions of section 61.18(a) of the Federal Aviation Regulations, 14 C.F.R. § 61.18(a), entitled "Security disqualification," once the TSA notified you and the Administrator of the FAA, in writing, that you are a security threat, you were no longer eligible to hold an airman certificate issued under part 61 of the Federal Aviation Regulations.¹

Section 61.18 was promulgated to reduce the risk of air piracy or terrorism or threat to airline or passenger safety. Once the TSA has determined that a person poses a security threat, that person should not hold an airman certificate authorizing him or her to be in a position that he or she could use to take actions that damage or threaten to undermine civil aviation security and, therefore, safety in air commerce. For example, pilots could drop, explosives or chemical or biological agents from an aircraft, or emulate the events of September 11, 2001, and crash aircraft into buildings. The TSA's determination that you pose a security threat establishes that as long as you hold an airman certificate, you present a danger to civil aviation security and safety in air commerce. See 68 Fed. Reg. 3772 - 3773.

In accordance with the eligibility standard set forth in section 61.18, once the FAA Administrator received TSA's written notification finding that you are a security threat, the Administrator determined that you are ineligible to hold a commercial pilot certificate, private pilot certificate, aircraft dispatcher certificate or any airman certificate. The continued exercise of your airman certificates under these circumstances would be contrary to safety in air commerce. This finding necessitates the Administrator's declaration of an emergency related to safety in air commerce and reflects the Administrator's judgment that an airman who has been found by TSA to be a security threat presents an unacceptable risk to civil aviation security and therefore safety in air commerce. Such an airman lacks the qualifications to hold an airman certificate. Accordingly, she has determined that safety in air commerce requires the immediate revocation of your of Commercial Pilot Certificate No. (b)(6),(b)(3) Private Pilot Certificate No. (b)(6),(b)(3) and Aircraft Dispatcher Certificate No. (b)(6),(b)(3). The emergency action taken in this case is a safety measure that provides immediate protection to the public and reflects long-standing FAA policy to declare an emergency under 49 U.S.C. § 46105(c) when, under circumstances such as those alleged in this order, the Administrator determines that the certificate holder lacks the qualifications to hold any airman certificate.

In conclusion, the Administrator finds in accordance with 49 U.S.C. §46105(c) and the guidance found in FAA Order 2150.3A paragraphs 206.d. (pages 26-27 of Chapter 2) and 1202.h. (pages 144-145 of Chapter 12) that the exercise of the privileges of your certificate

¹ On January 24, 2003, the FAA published a final rule in the Federal Register, amending parts 61, 63, and 65 of the Federal Aviation Regulations to expressly make a person ineligible to hold FAA-issued airman certificates if the Transportation Security Administration notifies the FAA in writing that the person poses a security threat. 68 Fed. Reg. 3772 - 3775 (2003).

(b)(3)-49 U.S.C.
C 44.4(r)

18:18 PAX

(b)(3)-49 U.S.C. § 114(r)

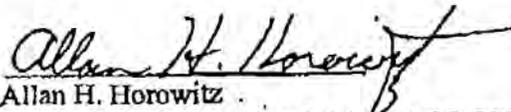
008/007

while any proceedings related to the issuance of this order are pending is contrary to the interest of safety in air commerce.

You may appeal from this order in accordance with the appeal procedures set forth below.

Peter J. Lynch
Assistant Chief Counsel
for Enforcement

By:


Allan H. Horowitz
Manager, Enforcement Division, AGC-300
Office of the Chief Counsel

(b)(3):49 U.S.C. § 114(r)

13:14 FAX

(b)(3):49 U.S.C. § 114(r)

002/007

(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

P
D

AIRMAN STOP ORDER		NAME (LAST-FIRST-MIDDLE INITIAL) (b)(6);(b)(3):49 U.S.C. § 114(r)	FAA NUMBER (b)(6);(b)(3):49 U.S.C. § 114(r)
ADDRESS(ES) (b)(6);(b)(3):49 U.S.C. § 114(r)		CERTIFICATE NO., TYPE, RATINGS (b)(6);(b)(3):49 U.S.C. § 114(r) - Commercial Pilot - Aircraft Dispatcher	
This STOP ORDER is filed to preclude the processing of any new application for the Airman herein named, and relates to the following situation:		DATE OF BIRTH (if avail.) (b)(6);(b)(3):49 U.S.C. § 114(r)	SSAN (if available)
<input type="checkbox"/> CERTIFICATE HAS BEEN REMOKED		<input type="checkbox"/> ENFORCEMENT ACTION PENDING	
<input checked="" type="checkbox"/> CERTIFICATE HAS BEEN SUSPENDED FOR Indefinite Duration		<input type="checkbox"/> CERTIFICATE SURRENDERED	
<input type="checkbox"/> AIRMAN PILOTED AIRCRAFT WITHOUT CERTIFICATE		<input type="checkbox"/> APPLICATION FOR CERTIFICATE DENIED	
REMARKS - Emergency Order of Suspension dated (b)(3):49 U.S.C. § 114(r)			
RELEASE DATA			
<input type="checkbox"/> THIS STOP ORDER TERMINATES AUTOMATICALLY ON		20	
<input checked="" type="checkbox"/> THIS STOP ORDER IS OF INDEFINITE DURATION, PENDING EXPRESS RELEASE BY THE UNDERSIGNED			
CERTIFICATE INFORMATION			
<input type="checkbox"/> CERTIFICATE SURRENDERED ON			
<input checked="" type="checkbox"/> CERTIFICATE NOT YET SURRENDERED			
<input type="checkbox"/> AFFIDAVIT OF LOSS OF CERTIFICATE DATED		20	SUBMITTED 20
DO NOT ISSUE ANY AIRMAN CERTIFICATE OR RATING, OR DUPLICATE, TO THIS PERSON PRIOR TO THE RELEASE DATE WITHOUT NOTIFYING THE UNDERSIGNED. IF THIS PERSON OBTAINS A CERTIFICATE, RATING, OR DUPLICATE DESPITE THIS ORDER, PLEASE NOTIFY THE UNDERSIGNED IMMEDIATELY.			
DATE (b)(3):49 U.S.C. § 114(r)	TITLE AND ADDRESS Assistant Chief Counsel for Enforcement, AGC-300 Office of the Chief Counsel		SIGNATURE 
CC: <input type="checkbox"/> AAM-30 <input type="checkbox"/> AGC-300 <input type="checkbox"/> ACDO OR GADO			

(b)(3):49
U.S.C. § 114(r)

18:07 FAX

(b)(3):49 U.S.C. § 114(r)

012

(b)(6);(b)(3):
49
U.S.C. §
114(r)



U.S. Department
of Transportation
Federal Aviation
Administration

800 Independence Av
Washington, D.C. 205

(b)(3):49 U.S.C. §
114(r)

(b)(3):49 U.S.C. §
114(r)

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED, U.S. REGULAR MAIL AND
FEDERAL EXPRESS**

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Case No. (b)(6);(b)(3):49
U.S.C. § 114(r)

EMERGENCY ORDER OF SUSPENSION

Under 49 U.S.C. § 46105(c), the Administrator has determined that an emergency exists related to safety in air commerce and that immediate action to revoke your commercial pilot certificate, private pilot certificate, ground instructor certificate and any other airman certificate you hold is required. The reasons for this determination are set forth in the paragraph below entitled "Determination of Emergency."

Based on an investigation and all evidence presently before the Administrator, the Administrator finds that:

1. You are now, and at all times mentioned herein were, the holder of Commercial Pilot Certificate No. (b)(6);(b)(3) with Airplane Multi-engine Land, and Instrument ratings, issued under part 61 of the Federal Aviation Regulations, 14 C.F.R. part 61; Private Pilot Certificate No. (b)(6);(b)(3) with Airplane Single-engine Land rating, issued under part 61 of the Federal Aviation Regulations; and Aircraft Dispatcher Certificate No. (b)(6);(b)(3) issued under part 61 of the Federal Aviation Regulations.

2. On (b)(3):49 U.S.C. § 114(r) the Assistant Administrator for Intelligence of the Transportation Security Administration (TSA) informed you and the Federal Aviation Administration (FAA) that based upon his personal review of materials available to TSA, he "determined that you pose a security threat." The TSA Assistant Administrator further informed you of the process available to 49 C.F.R. § 1540.117 to reply to the TSA's Initial Notification of Threat Assessment.

3. As a result of the TSA Assistant Administrator's Initial Notification of Threat Assessment described above, you are not eligible under Section 61.18 of the Federal Aviation Regulations, 14 C.F.R. §61.18, to hold an airman certificate, rating, or authorization issued under part 61.

(b)(3):49
U.S.C. §

THU 17:08 ITX/RX NO

(b)(3):
49

012

By reason of the foregoing facts and circumstances, the Administrator has determined that you presently lack the qualifications required of the holder of an airman certificate. The Administrator also has determined that safety in air commerce or air transportation and the public interest require the suspension of any airman certificate held by you, including your Commercial Pilot Certificate No. (b)(6):(b)(3) Private Pilot Certificate No. (b)(6):(b)(3) and Aircraft Dispatcher Certificate No. (b)(6):(b)(3) issued under part 61 of the Federal Aviation Regulations. The Administrator further finds that an emergency requiring immediate action exists with respect to safety in air commerce or air transportation. Accordingly this order is effective immediately

NOW, THEREFORE, IT IS ORDERED, pursuant to the authority vested in the Administrator by 49 U.S.C. §§ 44709(b)(1)(A) and 46105(c), that:

1. Any airman certificate held by you, including your Commercial Pilot Certificate No. (b)(6):(b)(3) Private Pilot Certificate No. (b)(6):(b)(3) and Aircraft Dispatcher Certificate No. (b)(6):(b)(3) issued under part 61 of the Federal Aviation Regulations, is suspended.
2. Such suspension shall become effective as of the date of this order.
3. Your certificate must be surrendered, immediately, by mail or delivery, to

Allan H. Horowitz
Manager, Enforcement Division AGC-300
FAA Office of the Chief Counsel
800 Independence Avenue, S.W.
Washington, D.C. 20591

4. No application for a new airman certificate will be accepted from you, nor will any such certificate be issued to you, during the period of suspension.

DETERMINATION OF EMERGENCY

Under 49 U.S.C. §46105(c) the Administrator has determined that an emergency exists related to safety in air commerce. This determination is based on your lack of qualifications to hold any airman certificate issued under part 61 of the Federal Aviation Regulations, because you are ineligible under the Federal Aviation Regulations to hold FAA-issued airman certificates as set forth in this order.

By letter dated (b)(3):49 U.S.C. § 114(r) the Assistant Administrator for Intelligence of the Transportation Security Administration (TSA) notified you and the Federal Aviation Administration (FAA) that based upon his personal review of materials available to TSA,

he "determined that you pose a security threat." The TSA Assistant Administrator further informed you of the process available in 49 C.F.R. § 1540.117 to reply to the TSA's Initial Notification.

Under the provisions of section 61.18(a) of the Federal Aviation Regulations, 14 C.F.R. § 61.18(a), entitled "Security disqualification," once the TSA notified you and the Administrator of the FAA, in writing, that you are a security threat, you were no longer eligible to hold an airman certificate issued under part 61 of the Federal Aviation Regulations.¹

Section 61.18 was promulgated to reduce the risk of air piracy or terrorism or threat to airline or passenger safety. Once the TSA has determined that a person poses a security threat, that person should not hold an airman certificate authorizing him or her to be in a position that he or she could use to take actions that damage or threaten to undermine civil aviation security and, therefore, safety in air commerce. For example, pilots could drop explosives or chemical or biological agents from an aircraft, or emulate the events of September 11, 2001, and crash aircraft into buildings. The TSA's determination that you pose a security threat establishes that as long as you hold an airman certificate, you present a danger to civil aviation security and safety in air commerce. See 68 Fed. Reg. 3772 - 3773.

In accordance with the eligibility standard set forth in section 61.18, once the FAA Administrator received TSA's written notification finding that you are a security threat, the Administrator determined that you are ineligible to hold a commercial pilot certificate, private pilot certificate, aircraft dispatcher certificate or any airman certificate. The continued exercise of your airman certificates under these circumstances would be contrary to safety in air commerce. This finding necessitates the Administrator's declaration of an emergency related to safety in air commerce and reflects the Administrator's judgment that an airman who has been found by TSA to be a security threat presents an unacceptable risk to civil aviation security and therefore safety in air commerce. Such an airman lacks the qualifications to hold an airman certificate. Accordingly, she has determined that safety in air commerce requires the immediate revocation of your of Commercial Pilot Certificate No. (b)(6),(b)(3); Private Pilot Certificate No. (b)(6),(b)(3); and Aircraft Dispatcher Certificate No. (b)(6),(b)(3). The emergency action taken in this case is a safety measure that provides immediate protection to the public and reflects long-standing FAA policy to declare an emergency under 49 U.S.C. § 46105(e) when, under circumstances such as those alleged in this order, the Administrator determines that the certificate holder lacks the qualifications to hold any airman certificate.

In conclusion, the Administrator finds in accordance with 49 U.S.C. §46105(e) and the guidance found in FAA Order 2150.3A (repealed) 2001d. (pages 26-27 of Chapter 2) and 1202.h. (pages 144-145 of Chapter 1) that the exercise of the privileges of your certificate

¹ On January 24, 2003, the FAA published a Final rule in the Federal Register, amending parts 61, 63, and 65 of the Federal Aviation Regulations to expressly make a person ineligible to hold FAA-issued airman certificates if the Transportation Security Administration notifies the FAA in writing that the person poses a security threat. 68 Fed. Reg. 3772 - 3775 (2003).

(b)(3)-49
U.S.C. § 114(r)

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(b)(3)-49 U.S.C. § 114(r)

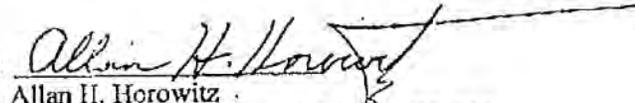
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while any proceedings related to the issuance of this order are pending is contrary to the interest of safety in air commerce.

You may appeal from this order in accordance with the appeal procedures set forth below.

Peter J. Lynch
Assistant Chief Counsel
for Enforcement

By:



Allan H. Horowitz
Manager, Enforcement Division, AGC-300
Office of the Chief Counsel

4

(b)(3)-49 U.S.C.
§ 114(r)

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APPEAL RIGHTS

You may appeal from this Emergency Order within ten (10) days from the date of its service, which is (b)(3) 49 U.S.C. § by filing a Notice of Appeal with the Office of Administrative Law Judges; National Transportation Safety Board; Room 4704; 490 L'Enfant Plaza East, SW; Washington, DC 20594 ((202) 314-6150). The National Transportation Safety Board's (NTSB's) Rules of Practice in Air Safety Proceedings, 49 C.F.R. part §21, apply to appeals to the NTSB. An executed original and three (3) copies of your Notice of Appeal must be filed with the NTSB. If you appeal, a copy of your Notice of Appeal also must be furnished to the FAA's attorney at the address listed in this Emergency Order. If you file an appeal to the NTSB, a copy of this Emergency Order will be filed with the NTSB as the Administrator's Complaint in that proceeding.

You may also seek review of the FAA's determination that an emergency exists in this case, which makes this order immediately effective. You may request such review in a written petition filed within two days after your receipt of this order. Petitions for review of FAA emergency determinations must be served, with a copy of the FAA's emergency order attached to the petition, by facsimile or by an expedited means that ensures next-day delivery: 1) on the Office of Administrative Law Judges; National Transportation Safety Board; Room 4704; 490 L'Enfant Plaza East, SW; Washington, DC 20594 (facsimile (202) 314-6153); and 2) simultaneously and by the same means, on the FAA's attorney at the address provided in this order (facsimile (202) 267-5106). The NTSB has published in the Federal Register the rules of practice that apply to its review of the FAA's emergency determinations. A copy of the rules, which became effective on June 30, 2003, is available at 68 Fed. Reg. 22623 (2003) or through the NTSB's website at <http://www.ntsb.gov/ali/legal.htm>.

Whether or not you elect to appeal from this Emergency Order, you must immediately surrender your Repairman Certificate to the Assistant Chief Counsel for enforcement at the address listed in this Emergency Order. In the event that you have lost or destroyed your certificates, you will be required to execute a sworn declaration setting forth the circumstances that make you unable to surrender your certificates.

ENCLOSURE:
FAA Order 2150.3A, paragraphs 206(f) and 128(h).

(b)(3):49 U.S.C. § 114(r) 13:07 FAX

(b)(3):49 U.S.C. § 114(r)

011

Handwritten initials: *AK*, *AK*, *AK*

AIRMAN STOP ORDER		NAME (LAST-FIRST-MIDDLE INITIAL) (b)(6),(b)(3):49 U.S.C. §	FAA NUMBER (b)(6),(b)(3):49
ADDRESS(ES) (b)(6),(b)(3):49 U.S.C. § 114(r)		CERTIFICATE NO., TYPE, RATINGS (b)(6),(b)(3):49 U.S.C. § Commercial Pilot Aircraft Dispatcher	
This STOP ORDER is filed to preclude the processing of any new application for the Airman herein named, and relates to the following situation:		DATE OF BIRTH (if avail.) (b)(6),(b)(3):49	SSAN (if available)
<input type="checkbox"/> CERTIFICATE HAS BEEN REVOKED		<input type="checkbox"/> ENFORCEMENT ACTION PENDING	
<input checked="" type="checkbox"/> CERTIFICATE HAS BEEN SUSPENDED FOR Indefinite Duration		<input type="checkbox"/> CERTIFICATE SURRENDERED	
<input type="checkbox"/> AIRMAN PILOTED AIRCRAFT WITHOUT CERTIFICATE		<input type="checkbox"/> APPLICATION FOR CERTIFICATE DENIED	
REMARKS - Emergency Order of Suspension dated (b)(3):49 U.S.C. §			
RELEASE DATA			
<input type="checkbox"/> THIS STOP ORDER TERMINATES AUTOMATICALLY ON		20	
<input checked="" type="checkbox"/> THIS STOP ORDER IS OF INDEFINITE DURATION, PENDING EXPRESS RELEASE BY THE UNDERSIGNED			
CERTIFICATE INFORMATION			
<input type="checkbox"/> CERTIFICATE SURRENDERED ON			
<input checked="" type="checkbox"/> CERTIFICATE NOT YET SURRENDERED			
<input type="checkbox"/> AFFIDAVIT OF LOSS OF CERTIFICATE DATED		20	SUBMITTED
		20	20
DO NOT ISSUE ANY AIRMAN CERTIFICATE OR RATING, OR DUPLICATE, TO THIS PERSON PRIOR TO THE RELEASE DATE WITHOUT NOTIFYING THE UNDERSIGNED. IF THIS PERSON OBTAINS A CERTIFICATE, RATING, OR DUPLICATE DESPITE THIS ORDER, PLEASE NOTIFY THE UNDERSIGNED IMMEDIATELY.			
DATE (b)(3):49 U.S.C. §	TITLE AND ADDRESS Assistant Chief Counsel for Enforcement, AGC-300 Office of the Chief Counsel	SIGNATURE <i>Peter J. Lynch</i>	
CC:		<input type="checkbox"/> AAM-30	<input type="checkbox"/> AGC-300
		<input type="checkbox"/> ACDO OR GADO	

(b)(3):49 U.S.C. §

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(b)(3):49 U.S.C. §

011



Transportation
Security
Administration

By First Class and Certified Mail - Return Receipt Requested

(b)(3);49 U.S.C. §
114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3);49 U.S.C.
§ 114(r)

and Medical Certificate Number (b)(6);(b)(3);49 U.S.C. §
114(r)

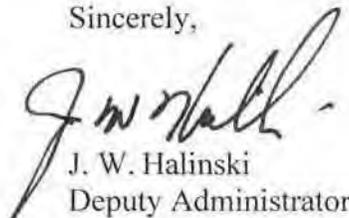
Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

On (b)(3);49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 United States Code § 46111. On (b)(3);49 U.S.C. § 114(r) TSA served you with your requested releasable materials. You were informed you had 30 calendar days to respond or TSA would finalize its action. TSA has received no response.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment.

Sincerely,



J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Acting Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

By First Class and Certified Mail - Return Receipt Requested

(b)(3);49 U.S.C. § 114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment

Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3);49

(b)(6);(b)(3);49
U.S.C. § 114(r)

and Medical Certificate Number

(b)(6);(b)(3);49 U.S.C.
§ 114(r)

Dear (b)(6);(b)(3);49
U.S.C. § 114(r)

This letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, and pursuant to 49 United States Code § 46111, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process to revoke all certificates issued to you by the Federal Aviation Administration (FAA).

As part of this process, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The

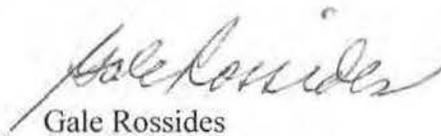
TSOB shall issue a Final Determination, which constitutes a final agency order. You should serve all documents upon:

Peter Zolper
Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gale Rossides".

Gale Rossides
Deputy Administrator

cc: The Honorable Michael P. Huerta
Acting Administrator
Federal Aviation Administration



Transportation
Security
Administration

By Certified Mail - Return Receipt Requested

(b)(3):49 U.S.C. §
114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Section 1540.117 of Title 49, Code of Federal Regulations, sets forth the procedure by which the Transportation Security Administration (TSA) notifies individuals and the Federal Aviation Administration (FAA) of TSA's assessment that an individual who is an alien and holds an FAA Airman Certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

Pursuant to 49 C.F.R. § 1540.117(e), this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization may be revoked.

No later than 15 calendar days after the date of service of the FAA's order suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the FAA's order, or 15 days after date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Threat Assessment and Internal Investigations

TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 22202-4220

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable Randy Babbit
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3);49
U.S.C. § 114(r)

Dear (b)(6);(b)(3);4

On (b)(3);49 U.S.C. §
114(r) the Transportation Security Administration (TSA) served upon
you and the Federal Aviation Administration an Initial Notification of Threat Assessment
pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and
materials available to TSA, I have determined that you pose a security threat.
Accordingly, TSA is concurrently notifying the Federal Aviation Administration (FAA)
of the determination that you pose a security threat and requesting the FAA to revoke all
of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49
C.F.R. § 1540.117.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Kauffman".

Keith Kauffman
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



Transportation
Security
Administration

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Foreign Pilot Application

Dear (b)(6);(b)(3);49 U.S.C. § 114(r)

On (b)(3);49 U.S.C. § 114(r), the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and is directing the Administrator of the Federal Aviation Administration not to act on your Foreign Pilot application.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

A handwritten signature in black ink, appearing to read "J. W. Halinski".

J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3);49 U.S.C. § 114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Foreign Pilot Application

Dear (b)(6);(b)(3);49 U.S.C.
§ 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter provides an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, it appears that that you may currently pose, or are suspected of posing, a security threat. Accordingly, pursuant to 49 C.F.R. § 1540.117, TSA is directing the Administrator of the Federal Aviation Administration not to act on your Foreign Pilot application. We have included a copy of the regulation for your reference.

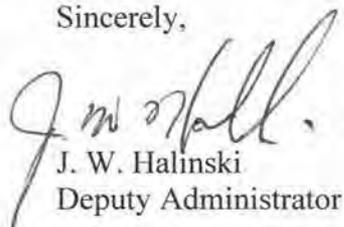
You may request copies of releasable materials upon which this Initial Notification was based. Such a request must be made in writing within 15 calendar days of the date of this letter. TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or is protected from disclosure under law.

You may also provide TSA with any materials that you believe may be relevant to a final threat assessment, and you may choose to retain counsel to assist you in this process at your own expense. Such a submission must be made within 15 calendar days from the date of this letter. However, if you make a timely request for the materials on which this Initial Notification was based, such a submission would be due 15 calendar days after the date of TSA's response. You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA will make a final threat assessment within 30 calendar days of receiving your response, unless it determines for good cause that a longer period is required. The final threat assessment will determine whether your application should be held in abeyance indefinitely because you currently pose, or are suspected of posing, a security threat. That determination would be subject to judicial review under 49 U.S.C. § 46110.

Sincerely,



J. W. Halinski
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 25, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

(i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or

(ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



Transportation
Security
Administration

By Registered Mail - Return Receipt Requested

(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49
& Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)
U.S.C. §

Dear (b)(6);(b)(3):49

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

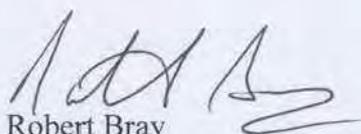
Peter Zolper
Acting Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Robert Bray
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

enc.



Transportation
Security
Administration

(b)(3):49 U.S.C. § 114(r)

By First Class and Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
and Medical Certificate Number

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

Dear

(b)(6);(b)(3):49 U.S.C.
§ 114(r)

On (b)(3):49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

Gale Rossides
Deputy Administrator

cc: The Honorable Michael P. Huerta
Acting Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class and Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3)
Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. §
114(r)

On (b)(3):49 U.S.C. §
114(r), the Transportation Security Administration (TSA) served upon
you and the Federal Aviation Administration (FAA) an Initial Notification of Threat
Assessment pursuant to 49 United States Code § 46111.

After personally reviewing the Initial Notification of Threat Assessment and
materials available to TSA, I have determined that you pose, or are suspected of posing, a
security threat. Accordingly, TSA is concurrently notifying the FAA of the
determination that you pose, or are suspected of posing, a security threat and requesting
the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment.

Sincerely,

Mark O. Hatfield, Jr.
Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

(b)(3):49 U.S.C. §
114(r)

By First Class and Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r) and
Medical Certificate Number (b)(6);(b)(3):49 U.S.C. § 114(r)

Dear (b)(6);(b)(3):49 U.S.C. § 114(r)

This letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, and pursuant to 49 United States Code § 46111, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process to revoke all certificates issued to you by the Federal Aviation Administration (FAA).

As part of this process, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting that the FAA suspend all certificates issued to you by the FAA.

No later than 15 calendar days after the date of service of this Initial Notification, you may serve upon TSA a written request for copies of releasable materials and an unclassified summary of the classified information upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 30 calendar days after the date of service of the Initial Notification, or 30 days after the date of service of TSA's response to your request for copies of the releasable materials upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification.

In your written reply, you may request an in-person or written hearing before an administrative law judge. If requested, the in-person hearing will be held either at TSA headquarters or a location selected by TSA in the metropolitan Washington, D.C. area. The administrative law judge will issue a written decision no later than 30 calendar days after the conclusion of the hearing. The administrative law judge's decision may be appealed by either party to the Transportation Security Oversight Board (TSOB). The TSOB shall issue a

Final Determination, which constitutes a final agency order. You should serve all documents upon:

Robert G. Seasonwein
Assistant Chief Counsel
Security Threat Assessment Operations
TSA Headquarters
12th Floor, TSA -2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Hatfield, Jr.", written in a cursive style.

Mark O. Hatfield, Jr.
Acting Deputy Administrator

cc: The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration



Transportation
Security
Administration

By Certified Mail - Return Receipt Requested

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
& Medical Certificate Number

(b)(6);(b)(3);49 U.S.C. § 114(r)

(b)(6);(b)(3);49 U.S.C. § 114(r)

Dear (b)(6);(b)(3);49 U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses, or is suspected of posing a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

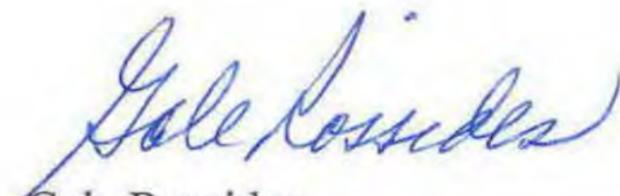
Constance Genter
Senior Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gale Rossides".

Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat*. An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel*. The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment*—(1) *Issuance*. If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials*. Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply*. The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination*. Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment*—(1) *In general*. The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification*. If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification*. If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information*. In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in § 1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

(i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or

(ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



**Transportation
Security
Administration**

By First Class and Certified Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. §
114(r)

Re: Final Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number
and Medical Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

On (b)(3):49 U.S.C. § 114(r) the Transportation Security Administration (TSA) served upon you and the Federal Aviation Administration (FAA) an Initial Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

After personally reviewing the Initial Notification of Threat Assessment and materials available to TSA, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is concurrently notifying the FAA of the determination that you pose, or are suspected of posing, a security threat and requesting the FAA to revoke all of your airman certificates, ratings or authorizations.

This letter serves as a Final Notification of Threat Assessment pursuant to 49 C.F.R. § 1540.117.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gale Rossides".

Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration



**Transportation
Security
Administration**

(b)(3):49 U.S.C. §
114(r)

By Registered Mail - Return Receipt Requested

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

Peter Zolper
Acting Assistant Chief Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,



Keith Kauffman
Acting Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Review and Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him. If the Administrator determines that the indi-

vidual poses a security threat, the Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, or upon review, the Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3761, Jan. 24, 2003, as amended at 68 FR 49721, Aug. 19, 2003]

§ 1540.117 Threat assessments regarding aliens holding or applying for FAA certificates, ratings, or authorizations.

(a) *Applicability.* This section applies when TSA has determined that an individual who is not a citizen of the United States and who holds, or is applying for, an airman certificate, rating, or authorization issued by the FAA Administrator, poses a security threat.

(b) *Definitions.* The following terms apply in this section:

Assistant Administrator means the Assistant Administrator for Intelligence for TSA.

Date of service means—

(1) The date of personal delivery in the case of personal service;

(2) The mailing date shown on the certificate of service;

(3) The date shown on the postmark if there is no certificate of service; or

(4) Another mailing date shown by other evidence if there is no certificate of service or postmark.

Deputy Administrator means the officer next in rank below the Administrator.

FAA Administrator means the Administrator of the Federal Aviation Administration.

Individual means an individual whom TSA determines poses a security threat.

(c) *Security threat.* An individual poses a security threat when the individual is suspected of posing, or is known to pose—

(1) A threat to transportation or national security;

(2) A threat of air piracy or terrorism;

(3) A threat to airline or passenger security; or

(4) A threat to civil aviation security.

(d) *Representation by counsel.* The individual may, if he or she so chooses, be represented by counsel at his or her own expense.

(e) *Initial Notification of Threat Assessment—(1) Issuance.* If the Assistant Administrator determines that an individual poses a security threat, the Assistant Administrator serves upon the individual an Initial Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Initial Notification includes—

(i) A statement that the Assistant Administrator personally has reviewed the materials upon which the Initial Notification was based; and

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials

upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

(2) *Issuance of Final Notification.* If the Deputy Administrator determines that the individual poses a security threat, the Deputy Administrator serves upon the individual a Final Notification of Threat Assessment and serves the determination upon the FAA Administrator. The Final Notification includes a statement that the Deputy Administrator personally has reviewed the Initial Notification, the individual's reply, if any, and any other materials or information available to him, and has determined that the individual poses a security threat.

(3) *Withdrawal of Initial Notification.* If the Deputy Administrator does not determine that the individual poses a security threat, TSA serves upon the individual a Withdrawal of the Initial Notification and provides a copy of the Withdrawal to the FAA Administrator.

(g) *Nondisclosure of certain information.* In connection with the procedures

under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

[68 FR 3768, Jan. 24, 2003]

Subpart C—Security Threat Assessments

SOURCE: 72 FR 3592, Jan. 25, 2007, unless otherwise noted.

EFFECTIVE DATE NOTE: At 74 FR 47700, Sept. 16, 2009, subpart C was revised, effective November 16, 2009. The new subpart appears after the text of this subpart.

§ 1540.201 Applicability and terms used in this subpart.

(a) This subpart includes the procedures that certain aircraft operators, foreign air carriers, and indirect air carriers must use to have security threat assessments done on certain individuals pursuant to 49 CFR 1544.228, 1546.213, 1548.7, 1548.15, and 1548.16. This subpart applies to the following:

(1) Each aircraft operator operating under a full program or full all-cargo program described in 49 CFR 1544.101(a) or (h).

(2) Each foreign air carrier operating under a program described in 49 CFR 1546.101(a), (b), or (e).

(3) Each indirect air carrier operating under a security program described in 49 CFR part 1548.

(4) Each applicant applying for unescorted access to cargo under one of the programs described in (a)(1) through (a)(3) of this section.

(5) Each proprietor, general partner, officer, director, or owner of an indirect air carrier as described in 49 CFR 1548.16.

(b) For purposes of this subpart—

Applicant means the individuals listed in paragraph (a)(4) and (a)(5) of this section.

Operator means an aircraft operator, foreign air carrier, and indirect air carrier listed in paragraphs (a)(1) through (a)(3) of this section.

(c) An applicant poses a security threat under this subpart when TSA

determines that he or she is known to pose or suspected of posing a threat—

- (1) To national security;
- (2) To transportation security; or
- (3) Of terrorism.

[72 FR 3592, Jan. 25, 2007; 72 FR 14049, Mar. 26, 2007]

§ 1540.203 Operator responsibilities.

(a) Each operator subject to this subpart must ensure that each applicant described in §1540.201(a)(4) and (a)(5) completes the Security Threat Assessment described in this section.

(b) Each operator must:

(1) Authenticate the identity of the applicant by—

(i) Reviewing two forms of identification, one of which must be a government-issued picture identification; or

(ii) Other means approved by TSA.

(2) Submit to TSA a Security Threat Assessment application for each applicant that is signed by the applicant and that includes:

(i) Legal name, including first, middle, and last; any applicable suffix; and any other names used previously.

(ii) Current mailing address, including residential address if it differs from the current mailing address, and all other residential addresses for the previous five years, and e-mail address, if the applicant has an e-mail address.

(iii) Date and place of birth.

(iv) Social security number (submission is voluntary, although failure to provide it may delay or prevent completion of the threat assessment).

(v) Gender.

(vi) Country of citizenship, and if naturalized in the United States, date of naturalization and certificate number.

(vii) Alien registration number, if applicable.

(viii) The following statement reading:

Privacy Act Notice: Authority: The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a Security Threat Assessment to evaluate your suitability for completing the functions required by this position. Failure to furnish your SSN may result in delays in processing your application, but will not prevent completion of your Security Threat Assessment. Furnishing the other information is also voluntary; however, failure



**Transportation
Security
Administration**

By Registered Mail - Return Receipt Requested

(b)(3):49 U.S.C. § 114(r)

(b)(6);(b)(3):49 U.S.C. § 114(r)

Re: Initial Notification of Threat Assessment
Federal Aviation Administration Airman Certificate Number

(b)(6);(b)(3):49
U.S.C. § 114(r)

Dear (b)(6);(b)(3):49
U.S.C. § 114(r)

Pursuant to section 1540.117 of Title 49, Code of Federal Regulations, this letter serves as an initial notification of a threat assessment (Initial Notification). Based upon materials available to the Transportation Security Administration (TSA), which I have personally reviewed, I have determined that you pose, or are suspected of posing, a security threat. Accordingly, TSA is initiating the process by which your Federal Aviation Administration (FAA) airman certificate, rating, or authorization will be suspended and may ultimately be revoked.

49 C.F.R. § 1540.117 sets forth the procedure by which the TSA notifies individuals and the FAA of TSA's assessment that an individual who is an alien and holds an FAA airman certificate, rating, or authorization poses a security threat. This regulation in the Code of Federal Regulations has been included for your reference.

No later than 15 calendar days after the date of service of the Initial Notification suspending your certificate or any part of your certificate, you may serve upon TSA a written request for copies of releasable materials upon which this Initial Notification was based.

In addition, you may serve upon TSA a written reply to the Initial Notification no later than 15 calendar days after the date of service of the Initial Notification, or 15 days after the date of service of TSA's response to your request for copies of the releasable material upon which this Initial Notification was based, whichever is later. This written reply should include any information that you believe TSA should consider in reviewing the basis for the Initial Notification. You should serve all documents upon:

Constance Genter
Senior Counsel
Threat Assessment and Internal Investigations
TSA Headquarters
12th Floor, TSA-2
601 South 12th Street
Arlington, VA 20598

TSA does not disclose classified information, as defined in Executive Order 12968 section 1.1(d), and TSA reserves the right to not disclose any other information or material not warranting disclosure or protected from disclosure under law.

You may, if you choose, be represented by counsel during this process at your own expense.

Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives your reply, TSA will issue a final determination.

Sincerely,


Gale Rossides
Deputy Administrator

cc: The Honorable J. Randolph Babbitt
Administrator
Federal Aviation Administration

enc.

(ii) A statement that the Assistant Administrator has determined that the individual poses a security threat.

(2) *Request for Materials.* Not later than 15 calendar days after the date of service of the Initial Notification, the individual may serve a written request for copies of the releasable materials upon which the Initial Notification was based.

(3) *TSA response.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after receiving the individual's request for copies of the releasable materials upon which the Initial Notification was based, TSA serves a response. TSA will not include in its response any classified information or other information described in paragraph (g) of this section.

(4) *Reply.* The individual may serve upon TSA a written reply to the Initial Notification of Threat Assessment not later than 15 calendar days after the date of service of the Initial Notification, or the date of service of TSA's response to the individual's request under paragraph (e)(2) if such a request was served. The reply may include any information that the individual believes TSA should consider in reviewing the basis for the Initial Notification.

(5) *TSA final determination.* Not later than 30 calendar days, or such longer period as TSA may determine for good cause, after TSA receives the individual's reply, TSA serves a final determination in accordance with paragraph (f) of this section.

(f) *Final Notification of Threat Assessment—(1) In general.* The Deputy Administrator reviews the Initial Notification, the materials upon which the Initial Notification was based, the individual's reply, if any, and any other materials or information available to him.

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(g) *Nondisclosure of certain information.* In connection with the procedures under this section, TSA does not disclose to the individual classified information, as defined in Executive Order 12968 section 1.1(d), and reserves the right not to disclose any other information or material not warranting disclosure or protected from disclosure under law.

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