

and

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EXHIBIT A



Transportation
Security
Administration

**Final Order on Requests for Identification of Sensitive Security Information
in Documents Submitted as Part of the Second Wave of Discovery
in *In Re September 11 Litigation*, 21 MC 97 (S.D.N.Y.)**

**I. Requests for Identification of Sensitive Security Information (SSI)
in Submitted Documents**

In connection with *In Re September 11 Litigation*, 21 MC 97 (S.D.N.Y.), United Airlines, American Airlines, Globe Aviation Services Corporation, Argenbright Security, and Huntleigh USA Corporation (collectively "Defendant Submitters") submitted to the Transportation Security Administration ("TSA") documents believed to be responsive to discovery requests in the above-captioned litigation and to contain SSI. Collectively, the Defendant Submitters sent more than 20,000 pages of documents (hereinafter "submitted documents") to TSA for review and final SSI determination, as discussed herein.¹

II. Delegation of Authority to Make Final SSI Determinations

The authority to identify information pertaining to transportation security as SSI is delegated to the Director of the SSI Office, pursuant to a delegation order signed by then Acting Deputy Administrator, Kenneth Kasprisin, on April 29, 2005. This delegation order is in effect as of the date of this Final Order and has not been amended.

III. Review Process

Pursuant to 49 U.S.C. § 114(s) and 49 C.F.R. Part 1520, SSI cannot be disclosed to persons who lack the need to know defined therein. TSA's security experts carefully reviewed each of the more than 20,000 pages of submitted documents for the purpose of identifying SSI therein and redacting the documents to delete SSI where possible. To minimize the impact of the nondisclosure of SSI on the litigation, TSA's review withheld the minimum SSI material necessary to protect transportation security.

¹ TSA has not yet completed its review of two categories of materials submitted as part of the Second Wave: a number of videotapes submitted by several of the Defendant Submitters and a set of documents (GLB-A-000003467-000003477) submitted for review by Defendant Globe on February 10, 2006. Neither the videotapes nor the additional Globe documents are the subject of this Order.

To that end, agency security and SSI experts performed multiple reviews of each document. Each page was subjected to a line-by-line review for SSI, which review included consultation with subject-matter experts, and reference to past precedents and open-source (media and other public) information. For example, in order to ensure consistency in SSI decision-making, and to ensure that no sensitive security information is inadvertently released, TSA compared each document to the database it maintains of all documents that have been reviewed previously for public release. In addition, where information contained in the documents implicated programs and policies not within TSA's jurisdiction, TSA consulted with the governmental agency that possesses the relevant knowledge and expertise.

TSA also paid particular attention to identifying any older information that no longer needed to be protected, and TSA has authorized the disclosure of all such information. TSA's review of the information contained in the submitted documents revealed that while some aspects of the security programs in effect as of September 11, 2001, have been superseded by new measures, significant elements of the programs remain in effect, or have been modified only subtly, and thus release today of information pertaining to those programs could compromise transportation security. TSA engages in a constant process of updating its security countermeasures to respond to the most recent intelligence pertaining to terrorist and safety threats, frequently sending updated information and instructions to airlines and other entities charged with implementing the government's aviation security requirements. Thus, while a particular document may have been superseded by a new version, information contained in the original document may continue to be used. For this reason, the date of a particular communication or directive reveals little about the sensitivity of the information therein.

TSA's SSI determinations also are based on the knowledge that the disclosure of even small pieces of seemingly innocuous information could be used by terrorists to construct a mosaic that can be analyzed and synthesized to reveal existing security measures and vulnerabilities. As provided in 49 C.F.R. Part 1520, only if a security countermeasure is obsolete, in that it will not be revived and therefore reveals nothing about current or future security countermeasures, or if security intelligence is overtaken by events, will information lose its SSI protection and be released publicly.

IV. Final SSI Determinations

TSA has completed its review of each document submitted by the Defendant Submitters, has identified SSI contained therein, if any, and has created redacted versions of the documents, where possible. The agency returned each submitted document to the appropriate Defendant Submitter, together with authorization to release the document in full, or as redacted, or with instructions to withhold the document in full. The SSI Program Office has reviewed each submitted document, and I have determined that the withheld information is SSI, pursuant to 49 U.S.C. § 114(s) and 49 C.F.R. Part 1520.

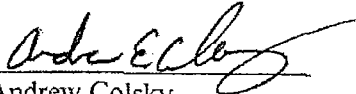
Attached are five indices – one for each Defendant Submitter – that list the documents

TSA reviewed and provide legal authority for the SSI designations.

V. Final Order

This Order is issued under 49 U.S.C. § 114(s) and is final. Pursuant to 49 U.S.C. § 46110, any person disclosing a substantial interest in this Order may, within 60 days of its issuance, apply for review by filing a petition for review in an appropriate U.S. Court of Appeals.

Date: March 17, 2006


Andrew Colsky
Director, SSI Office

CERTIFICATE OF SERVICE

I certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that on
March 22, 2006 I caused to be served a true and correct copy of the Petition for Review of
Agency Order, upon each of the following attorneys by electronic mail and Federal Express:

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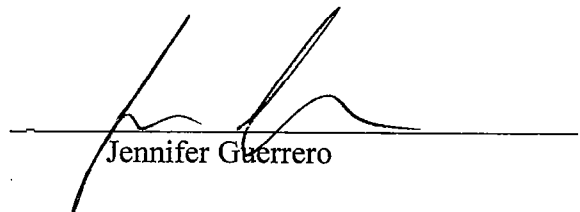
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I declare under penalty of perjury that the foregoing is true and correct.

Executed: New York, New York
 March 22, 2006



Jennifer Guerrero