

(ii) Specific procedures to be implemented or used by the owner/operator in response to a terrorist attack, including evacuation and communication plans that include individuals with disabilities; and

(iii) Additional measures to be adopted to address weaknesses in emergency response procedures identified during regular drills or exercises that test corporate capabilities to direct, coordinate, and execute prevention and response activities for terrorist attacks or other security threats, including tunnel evacuation procedures, if applicable.

(iv) Redundant and backup systems to ensure the continuity of operations of critical assets and infrastructure system in the event of a terrorist attack or other transportation security-related incident.

(c) *Changes to security training curriculum.* Each owner/operator required under part 1580, 1582, or 1584 of this subchapter to adopt and carry out a security program must submit a request to amend its security program if, after approval, the owner/operator makes, or intends to make, permanent changes to its security training curriculum required under part 1580, 1582, or 1584, including changes to address:

(1) Determinations that the security training program is ineffective based on the approved method for evaluating effectiveness in the security training program approved by TSA under subpart B of parts 1580, 1582, and 1584; or

(2) Development of recurrent training material for purposes of meeting the requirements in § 1570.111(b) of this part or other alternative training materials not previously approved by TSA.

(d) *Permanent change.* For purposes of this section, a “permanent change” is one intended to be in effect for 60 or more calendar days.

(e) *Schedule for requesting amendment.* The owner/operator must file the request for an amendment with TSA no later than 65 calendar days after the change in subsection (b) takes effect, unless TSA allows a shorter time period.

(f) *TSA approval.* (1) Within 30 calendar days after receiving a proposed amendment, TSA will, in writing, either approve or deny the request to

amend. TSA will notify the owner/operator if it needs an extension of time to consider the proposed amendment.

(2) TSA may approve—

(i) An amendment to a security program if TSA determines that it is in the interest of the public and transportation security and the proposed amendment provides the level of security required under this subchapter.

(ii) Modification to security training curriculum, including alternative training for purposes of meeting the recurrent training requirement, if all the required training elements are addressed and the material is consistent with the most recent iteration of the security program submitted to, and approved by, TSA (including amendments made to reflect relevant changes to operations and/or security measures and response plans).

(iii) TSA may request additional information from the owner/operator before rendering a decision.

(g) *Petition for reconsideration.* No later than 30 calendar days after receiving a denial, the owner/operator may file a petition for reconsideration under § 1570.119 of this part.

#### § 1570.115 Amendments required by TSA.

(a) *Notification of requirement to amend.* TSA may require amendments to a security program in the interest of the public and transportation security, including any new information about emerging threats, or methods for addressing emerging threats, as follows:

(1) TSA will notify the owner/operator of the proposed amendment, fixing a period of not less than 30 calendar days within which the owner/operator may submit written information, views, and arguments on the amendment.

(2) After TSA considers all relevant material received, TSA will notify the owner/operator of any amendment adopted or rescind the notice.

(b) *Effective date of amendment.* If TSA adopts the amendment, it becomes effective not less than 30 calendar days after the owner/operator receives the notice of amendment, unless the owner/operator disagrees with the proposed amendment and files a petition for reconsideration under § 1570.119 of this



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part no later than 15 calendar days before the effective date of the amendment. A timely petition for reconsideration stays the effective date of the amendment.

(c) *Emergency amendments.* If TSA determines that there is an emergency requiring immediate action in the interest of the public or transportation security, TSA may issue an amendment, without the prior notice and comment procedures in paragraph (a) of this section, effective without stay on the date the covered owner/operator receives notice of it. In such a case, TSA will incorporate in the notice a brief statement of the reasons and findings for the amendment to be adopted. The owner/operator may file a petition for reconsideration under §1570.119 of this part; however, this does not stay the effective date of the emergency amendment.

## § 1570.117 Alternative measures.

(a) If in TSA's judgment, the overall security of transportation provided by an owner/operator subject to the requirements of 49 CFR part 1580, 1582, or 1584 are not diminished, TSA may approve alternative measures.

(b) Each owner/operator requesting alternative measures must file the request for approval in a form and manner prescribed by TSA. The filing of such a request does not affect the owner/operator's responsibility for compliance while the request is being considered.

(c) TSA may request additional information, and the owner/operator must provide the information within the time period TSA prescribes. Within 30 calendar days after receiving a request for alternative measures and all requested information, TSA will, in writing, either approve or deny the request.

(d) If TSA finds that the use of the alternative measures is in the interest of the public and transportation security, it may grant the request subject to any conditions TSA deems necessary. In considering the request for alternative measures, TSA will review all relevant factors including—

(1) The risks associated with the type of operation, for example, whether the owner/operator transports hazardous materials or passengers within a high

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threat urban area, whether the owner/operator transports passengers and the volume of passengers transported, or whether the owner/operator hosts a passenger operation.

(2) Any relevant threat information.

(3) Other circumstances concerning potential risk to the public and transportation security.

(e) No later than 30 calendar days after receiving a denial, the owner/operator may petition for reconsideration under §1570.119 of this part.

## § 1570.119 Petitions for reconsideration.

(a) If an owner/operator seeks to petition for reconsideration of a determination, required modification, denial of a request for amendment by the owner/operator, denial to rescind a TSA-required amendment, or denial of an alternative measure, the owner/operator must submit a written petition for reconsideration that includes a statement and any supporting documentation explaining why the owner/operator believes TSA's decision is incorrect.

(b) Upon review of the petition for reconsideration, the Administrator or designee will dispose of the petition by affirming, modifying, or rescinding its previous decision. This is considered a final agency action.

## § 1570.121 Recordkeeping and availability.

(a) *Retention.* Each owner/operator required to have a security program under subpart B to parts 1580, 1582, and 1584 of this subchapter must—

(1) Retain security training records for each individual required to receive security training under §§1580.115, 1582.115, and 1584.115 that, at a minimum—

(i) Includes employee's full name, job title or function, date of hire, and date of initial and recurrent security training; and

(ii) Identifies the date, course name, course length, and list of topics addressed for the security training most recently provided in each of the areas required under §§1580.115, 1582.115, and 1584.115 of this subchapter.

(2) Retain records of initial and recurrent security training for no less