

**From:** [Wheaton, Kelly <TSA OCC>](#)  
**To:** [Prosnitz, Susan <TSA OCC>](#); [Kerner, Francine](#)  
**Subject:** RE: SPOT Indicators - Revised Language  
**Date:** Wednesday, June 26, 2013 3:59:00 PM

---

Francine,

I think my answer would be yes, our examples are ok, although changing them may eliminate a possible issue.

(b)(3),49 U.S.C. § 114(r),(b)(5)

Susan,

Thanks. We will see if we can get the powerpoint.

Kelly D. Wheaton  
Deputy Chief Counsel, Enforcement  
571 227-(b)(6)

---

**From:** Prosnitz, Susan <TSA OCC>  
**Sent:** Wednesday, June 26, 2013 3:54 PM  
**To:** Kerner, Francine; Wheaton, Kelly <TSA OCC>  
**Subject:** Re: SPOT Indicators - Revised Language

Also the validation study addresses the predictive value of the indicators. Kelly- Darryl Smith in OSC has a power point which summarizes the study (existing study, not the pending optimization study).

---

**From:** Kerner, Francine  
**Sent:** Wednesday, June 26, 2013 03:41 PM  
**To:** Wheaton, Kelly <TSA OCC>  
**Cc:** Prosnitz, Susan <TSA OCC>  
**Subject:** RE: SPOT Indicators - Revised Language

Are our examples okay in light of this summary?

---

**From:** Wheaton, Kelly <TSA OCC>  
**Sent:** Wednesday, June 26, 2013 2:26 PM  
**To:** Kerner, Francine  
**Cc:** Ruggeri, Amy <TSA OCC>; Thompson, Mardi <TSA OCC>; Bester, Margot <TSA OCC>; Schlegel, Thomas <TSA OCC>; Bauer, John D <TSA OCC>; Kent, Linda <TSA OCC>; Prosnitz, Susan <TSA OCC>;

Pilcher, Marc <TSA OCC>; Itami, Brian; Powell, Barbara <TSA OCC>  
**Subject:** RE: SPOT Indicators - Revised Language

Francine,

Yesterday Marc Pilcher forwarded to us an audio recording of discussions between OTWE and an expert in Boston regarding the reasons for the (b)(3);49 U.S.C. § 114(r) factor. OTWE interviewed this expert to assist in drafting the SPOT Behavioral Reference Guide. This is the best product we've found so far providing justification for the criteria. I've attached a written summary of this audio recording drafted by Brian Itami. The summary is password protected.

(b)(5);(b)(3);49 U.S.C. § 114(r)

I've got Brian continuing to dig on program justification and will report back when I have better information.

Kelly D. Wheaton  
Deputy Chief Counsel, Enforcement  
571 227-(b)(6)

---

**From:** Kerner, Francine  
**Sent:** Wednesday, June 26, 2013 2:00 PM  
**To:** Prosnitz, Susan <TSA OCC>  
**Cc:** Wheaton, Kelly <TSA OCC>; Ruggeri, Amy <TSA OCC>; Thompson, Mardi <TSA OCC>; Bester, Margot <TSA OCC>; Schlegel, Thomas <TSA OCC>; Bauer, John D <TSA OCC>; Kent, Linda <TSA OCC>  
**Subject:** RE: SPOT Indicators - Revised Language

This is what I am sending to Joe Maher. (b)(5)

(b)(5);(b)(3);49 U.S.C. § 114(r)

(b)(5)

---

**From:** Kerner, Francine  
**Sent:** Wednesday, June 26, 2013 9:45 AM  
**To:** Prosnitz, Susan <TSA OCC>  
**Cc:** Wheaton, Kelly <TSA OCC>; Ruggeri, Amy <TSA OCC>; Thompson, Mardi <TSA OCC>; Bester, Margot <TSA OCC>; Schlegel, Thomas <TSA OCC> ([Thomas.Schlegel@tsa.dhs.gov](mailto:Thomas.Schlegel@tsa.dhs.gov))  
**Subject:** RE: SPOT Indicators - Revised Language

(b)(5)

---

**From:** Prosnitz, Susan <TSA OCC>  
**Sent:** Tuesday, June 25, 2013 5:31 PM

To: Kerner, Francine  
Cc: Wheaton, Kelly <TSA OCC>; Ruggeri, Amy <TSA OCC>; Thompson, Mardi <TSA OCC>; Bester, Margot <TSA OCC>  
Subject: SPOT Indicators - Revised Language  
Importance: High

Francine,

Attached please find revised SPOT indicator language reflecting this afternoon's discussion with you.

(b)(3):49 U.S.C. § 114(r)

Kelly is separately following up regarding the background information as to why the indicator was included and the original source for its inclusion.

(b)(3):49  
U.S.C. § 114(r)

Susan

**Susan M. Prosnitz, Esq.**

Assistant Chief Counsel for Legal Policy and Education  
Office of Chief Counsel  
Transportation Security Administration  
571.227.1335 (office)  
202.570.3047 (mobile)  
[susan.prosnitz@dhs.gov](mailto:susan.prosnitz@dhs.gov)

**ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT**

*THIS COMMUNICATION MIGHT CONTAIN COMMUNICATIONS BETWEEN ATTORNEY AND CLIENT, COMMUNICATIONS THAT ARE PART OF THE AGENCY DELIBERATIVE PROCESS, OR ATTORNEY-WORK PRODUCT, ALL OF WHICH ARE PRIVILEGED AND NOT SUBJECT TO DISCLOSURE OUTSIDE THE AGENCY OR TO THE PUBLIC. PLEASE CONSULT WITH THE OFFICE OF CHIEF COUNSEL BEFORE DISCLOSING ANY INFORMATION CONTAINED IN THIS E-MAIL.*