



U.S. Department  
of Transportation

Federal Aviation  
Administration

JUN 30 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Federal Aviation Administration

800 Independence Avenue, S.W.

Washington, D.C. 20591

Attn: Hearing Docket Clerk, AGC-430

Wilbur Wright Building - Room 2014

Eastern Region  
Regional Counsel  
Telephone: 718 553-3272  
Facsimile: (718) 995-5699

1 Aviation Plaza  
Jamaica, NY 11434

DEPT OF TRANSPORTATION  
DOCKETS

JUL - 9 P 1:29

**RECEIVED**

JUL - 6 2009

**HEARING DOCKET**

ATTN: HEARING DOCKET CLERK

Re: In the Matter of Saudi Arabian Airlines Corp.

Docket No. 2008EA700282 / CP09EA0019 | FAA 2009-0583

Enclosed herein please find a copy of a request for hearing and the original and one copy of the FAA's Complaint in the above-entitled action for filing, together with proof of service upon the Respondent.

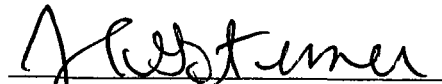
The FAA requests that the hearing in this matter be held in the New York City, New York area, and expects that the hearing will last one day.

Please address all communications for the Federal Aviation Administration to the attention of Jeanine C. Gotimer, Office of the Regional Counsel, 1 Aviation Plaza, Jamaica, NY 11434.

Sincerely,

Alfred R. Johnson, Jr.  
Regional Counsel

By:

  
Jeanine C. Gotimer  
Attorney

Enclosures

cc: AEA-700

Regional Counsel for the Eastern Region    Date June 18, 2009  
Federal Aviation Administration  
1 Aviation Plaza  
Jamaica, NY 11434

Saudi Arabian Airlines Corp. - 2008EA700282  
Subject: Final Notice of Proposed Civil Penalty  
Response Attachment

In reply to your Final Notice of Proposed Civil Penalty Saudi Arabian Airlines Corp. elects to proceed as indicated by its check beside the numbered paragraph below:

1.  Saudi Arabian Airlines Corp. hereby submits the amount of the proposed civil penalty with the understanding that Order Assessing Civil Penalty will be issued in that amount.
2.  Saudi Arabian Airlines Corp. hereby requests a formal hearing in accordance with Section 13.16 of the Federal Aviation Regulations.

By sending this form to the Federal Aviation Administration, Eastern Region, Saudi Arabian Airlines Corp. also hereby certifies that a copy of this form has been filed with the Hearing Docket Clerk (Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, S.W., Room 924A, Washington, DC 20591, Attention: Hearing Docket Clerk).

**\*\* Please note that Saudi Arabian Airlines Corp. will not be entitled to a hearing if it files this form with the Federal Aviation Administration, Eastern Region, WITHOUT having filed this form or a written request for a hearing with the HEARING DOCKET CLERK.**

---

**ATTORNEY/REPRESENTATIVE**

Name: Bartholomew J. Banino  
Firm: Condon & Forsyth LLP  
Address: 7 Times Square, New York, New York 10036  
Phone No. 212-894-6818

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
OFFICE OF HEARINGS  
WASHINGTON, D.C.

---

In the Matter of Saudi Arabian Airlines Corp.

2008EA700282  
Judge Not Assigned

---

COMPLAINT

The Federal Aviation Administration (FAA), by counsel, hereby files its Complaint, pursuant to Rule 208 of the Rules of Practice (14 C.F.R. 13.208), and states as follows:

I

Respondent, Saudi Arabian Airlines Corp., was advised through a Final Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$10,000. On June 23, 2009, Respondent submitted a written demand for a hearing.

II

1. Saudi Arabian Airlines Corp. (SAFF) is the holder of Air Carrier Certificate No. SAFF977H.
2. At all relevant times herein, the Department of Transportation Hazardous Materials Regulations (HMR) (49 C.F.R. Parts 171-177) required SAFF, as a hazmat employer, to ensure that each of its hazmat employees was trained in accordance with the requirements of the HMR.
3. On or about December 21, 2007, SAFF used SAFF aircraft mechanic John Phillips to process shipments of Company Materials (COMAT), that are regulated hazardous materials, when Mr. Phillips had not received HMR General Awareness training, as required by the HMR.

4. Specifically, on or about December 21, 2007, Mr. Phillips delivered a shipment of *Oxygen, compressed, Class 2.2, UN1072* and *Fire extinguishers, Class 2.2, UN1044* traveling under air waybill no. 065-81573785 to the SAFF Cargo facility at Washington Dulles International Airport (IAD), when Mr. Phillips had not received HMR General Awareness training, as required by the HMR.
5. By virtue of the above, SAFF offered hazardous materials for transportation by air without ensuring that each of its hazardous materials employees was trained in accordance with the HMR.
6. By virtue of the above, SAFF offered hazardous materials for transportation by air without ensuring that its hazardous materials employee training was current and complete in accordance with the HMR.
7. By virtue of the above, SAFF offered hazardous materials for transportation by air without instructing each of its officers, agents, and employees having responsibility for preparing hazardous materials for shipment as to the applicable HMR.
8. By virtue of the above, SAFF offered hazardous materials for transportation by air without ensuring that each of its hazmat employees is tested by appropriate means on the training subjects covered in §172.704.

### III

By reason of the foregoing facts and circumstances, Respondent violated the following section(s) of the Department of Transportation Hazardous Materials Regulations:

- a. Section 172.702(a), which states that a hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart.

- b. Section 172.702(b), which states that a hazmat employee who performs any function subject to the requirements of this subchapter may not perform that function unless trained in accordance with the requirements prescribed in this subpart. It is the duty of each hazmat employer to comply with the applicable requirements of this subchapter and to thoroughly instruct each hazmat employee in relation thereto.
  
- c. Section 172.702(d), which states that a hazmat employer shall ensure that each of its hazmat employees is tested by appropriate means on the training subjects covered in §172.704.
  
- d. Section 172.704(a)(1), which states that hazmat employee training shall include the following: Each hazmat employee shall be provided general awareness/familiarization training designed to provide familiarity with the requirements of this subchapter, and to enable the employee to recognize and identify hazardous materials consistent with the hazard communication standards of this subchapter.
  
- e. Section 175.20(a), which states that an air carrier may not transport a hazardous material by aircraft unless each of its hazmat employees involved in that

transportation is trained as required by subpart H of Part 172 of this subchapter. In addition, air carriers must comply with all applicable hazardous materials training requirements in 14 CFR Part 121 and 135.

#### IV

1. Pursuant to 49 U.S.C. §5123(a) of Chapter 51, Title 49 of the United States Code of Transportation, 49 U.S.C. §5123 Respondent is liable for a civil penalty of not less than \$250 (\$450 for training violations), nor greater than \$50,000 (\$100,000 if death, serious illness, severe injury, or substantial property damage results), for each of the violations alleged.

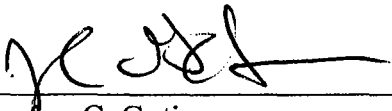
2. Under the facts and circumstances of this case, a civil penalty of \$10,000 is appropriate.

WHEREFORE, the FAA, by counsel, respectfully requests that the Administrative Law Judge enter an order that Respondent be assessed a civil penalty in the amount of \$10,000.

Respectfully submitted,

Alfred R. Johnson, Jr.  
Regional Counsel

By:

  
\_\_\_\_\_  
Jeanne C. Gotimer  
Attorney

Federal Aviation Administration  
1 Aviation Plaza  
Jamaica, NY 11434  
718 553-3272  
(718) 995-5699

**NOTE:**

**The Rules of Practice for this proceeding are set forth in Part 13, Subpart G, of the Federal Aviation Regulations (14 C.F.R. Part 13).**

**The Rules of Practice provide that Respondent must file a written answer to this Complaint, or a written Motion to Dismiss if appropriate, not later than 30 days after the date shown on the Certificate of Service. A general denial is deemed a failure to file an answer (Section 13.209(e)).**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complaint has been placed this date in the United States mail, postage prepaid, by Certified Mail - Return Receipt Requested addressed as follows:

Bartholomew J. Banino  
Condon & Forsyth LLP  
7 Times Square  
New York, NY 10036

Federal Aviation Administration (Original and one copy)  
800 Independence Avenue, S.W.  
Washington, D.C. 20591  
Attn: Hearing Docket Clerk, AGC-430  
Wilbur Wright Building – Room 2014

Date: JUN 30 2009

Marianna Perero  
Marianna Perero  
Paralegal Specialist  
Federal Aviation Administration  
Office of Regional Counsel  
1 Aviation Plaza  
Jamaica, NY 11434

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
OFFICE OF HEARINGS  
WASHINGTON, D.C.

**RECEIVED**

In the Matter of Saudi Arabian Airlines Corp.

JUL - 6 2009

2008EA700282  
Judge Not Assigned

**HEARING DOCKET**

NOTICE OF APPEARANCE

Complainant, Federal Aviation Administration, hereby notifies the United States Department of Transportation, Office of Hearings, and the Respondent, pursuant to 14 C.F.R. §13.204(b), that it shall be represented in the above-stated action by the following attorney:

Jeanine C. Gotimer  
Federal Aviation Administration  
Office of Regional Counsel  
1 Aviation Plaza  
Jamaica, NY 11434  
Telephone: 718 553-3272  
Facsimile: (718) 995-5699


All communications, notices, pleadings or documents are respectfully requested to be forwarded as follows:

Jeanine C. Gotimer  
Federal Aviation Administration  
Office of Regional Counsel  
1 Aviation Plaza

Jamaica, NY 11434  
Telephone: 718 553-3272  
Facsimile: (718) 995-5699

Respectfully submitted,

Alfred R. Johnson, Jr.  
Regional Counsel

By:  Dated: 6-29-09  
Jeanine C. Gotimer  
Attorney

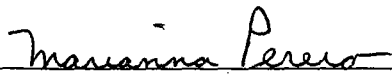
CERTIFICATE OF SERVICE

I hereby certify that on this day copies of the foregoing Notice of Appearance were placed in the United States mail, postage prepaid, Certified Mail - Return Receipt Requested addressed as follows:

Bartholomew J. Banino  
Condon & Forsyth LLP  
7 Times Square  
New York, NY 10036

Federal Aviation Administration (Original and one copy)  
800 Independence Avenue, S.W.  
Washington, D.C. 20591  
Attn: Hearing Docket Clerk, AGC-430  
Wilbur Wright Building - Room 2014

Date: JUN 30 2009

  
Marianna Perero  
Paralegal Specialist  
Federal Aviation Administration  
Office of Regional Counsel  
1 Aviation Plaza  
Jamaica, NY 11434