

DATES: Comments will be accepted until October 20, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518-6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428, Fax No. 703-518-6669, E-mail: mcnamara@ncua.gov.

OMB Reviewer: Mr. Joseph F. Lackey (202) 395-4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518-6447.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133-0108.

Form Number: N/A.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Title: 12 C.F.R. 748.2 Monitoring Bank Secrecy Act Compliance.

Description: The collection is needed to allow NCUA to determine whether credit unions have established a program reasonably designed to assure and monitor their compliance with currency recordkeeping and reporting requirements established by Federal statute and Department of Treasury Regulations.

Respondents: Federally Insured Credit Unions.

Estimated No. of Respondents/Recordkeepers: 9,562.

Estimated Burden Hours Per Response: 7 hours.

Frequency of Response: recordkeeping.

Estimated Total Annual Burden Hours: 28,791.

Estimated Total Annual Cost: not applicable.

By the National Credit Union Administration Board on September 10, 2003.

Becky Baker,

Secretary of the Board.

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NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL

Fingerprint Submission Requirement Rule

AGENCY: National Crime Prevention and Privacy Compact Council.

ACTION: Notice of the Compact Council's approval of a Transportation Security Administration proposal to utilize the Fingerprint Submission Requirements Rule, Title 28 Code of Federal Regulations (CFR), part 901.

Authority: 42 U.S.C. 14616.

SUMMARY: Pursuant to 28 CFR part 901, the Compact Council (Council), established by the National Crime Prevention and Privacy Compact Act of 1998 (Compact), has approved a proposal from the Transportation Security Administration (TSA) to access the Interstate Identification Index (III) System on a delayed fingerprint submission basis for conducting criminal history record checks on individuals requesting issuance or renewal of a hazardous materials (hazmat) endorsement on a commercial driver's license (CDL). (See attached Proposal.) The TSA requested approval of its proposal to conduct preliminary III name-based checks as a responsive and timely avenue to support security threat assessments on all individuals seeking a hazmat endorsement as mandated by section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act). The approval of TSA's proposal is a temporary measure to be used while its infrastructure for fingerprint-based criminal history record checks is being developed.

This notice and TSA's proposal act as companion documents to facilitate TSA's interim final rule published in the **Federal Register** on May 5, 2003 (49 CFR parts 1570 and 1572, 68 FR 23852). The TSA interim final rule was published in coordination with the Federal Motor Carrier Safety Administration's (FMCSA) interim final rule published in the **Federal Register** on the same date (49 CFR parts 383 and 384, 68 FR 23844). The FMCSA interim final rule amends the Federal Motor Carrier Safety Regulations governing commercial drivers licenses to prohibit states from issuing, renewing, transferring, or upgrading a commercial driver's license with a hazmat endorsement unless the Department of Justice has first conducted a background records check of the applicant and the

TSA has determined that the applicant does not pose a security threat warranting denial of the hazmat endorsement.

FOR FURTHER INFORMATION CONTACT:

Todd C. Commodore, FBI CJIS Division, 1000 Custer Hollow Road, Module C3, Clarksburg, WV 26306; Telephone (304) 625-2803; e-mail tcommodo@leo.gov; Fax number (304) 625-5388.

SUPPLEMENTARY INFORMATION: See attached proposal.

Dated: July 15, 2003.

Wilbur W. Rehmann,

Chairman, Compact Council.

Formal Request Memorandum to the Compact Council

The Transportation Security Administration (TSA) seeks approval under Parts 901.2 and 901.3 of title 28, Code of Federal Regulations, for access to the National Crime Information Center (NCIC) (including the Interstate Identification Index (III)), on a delayed fingerprint submission basis, so that name-based criminal history records checks can be conducted expeditiously on certain commercial truck drivers. The USA PATRIOT Act, Pub. L. 107-56, Section 1012, *et seq.*; 49 U.S.C. 5103a)¹ requires a background check for any individual authorized or seeking to carry hazardous materials (hazmat). TSA will carry out this statutory provision as set forth below.

A. Name-based background checks will be initiated on [effective date of the rule]. If the background check discloses a conviction or incarceration for a disqualifying offense within the time periods specified in the Interim Final Rule, TSA will notify the individual that he or she is disqualified from

¹ In pertinent part, the Act reads:

A. 5103a(a) Limitation.

(1) Issuance of licenses. A State may not issue to any individual a license to operate a motor vehicle transporting in commerce a hazardous material unless the Secretary of Transportation has first determined, upon receipt of a notification under subsection (c)(1)(B), that the individual does not pose a security risk warranting denial of the license* * *

(c) Background records check.

(1) In general. Upon the request of a State regarding issuance of a license described in subsection (a)(1) to an individual, the Attorney General—

(A) shall carry out a background records check regarding the individual; and

(B) upon completing the background records check, shall notify the Secretary of Transportation of the completion and results of the background records check.

(2) Scope. A background records check regarding an individual under this subsection shall consist of the following:

(A) A check of the relevant criminal history databases.

(B) In the case of an alien, a check of the relevant data bases to determine the status of the alien under the immigration laws of the United States.

(C) As appropriate, a check of the relevant international databases through Interpol-U.S. National Central Bureau or other appropriate means.