

transporting hazmat. If the individual asserts that the results of the name-based background check are not accurate, the individual will submit fingerprints and/or relevant court documents so that the record may be corrected or the disqualifying offense may be verified.

B. Drivers whose name-based background checks do not indicate a disqualifying offense or incarceration within the time periods specified in the Interim Final Rule will be required to submit fingerprints in the period between 180 days and 5 (five) years from the effective date of the Interim Final Rule, or when applying for a new or renewed hazmat endorsement of their Commercial Driver's License (CDL), whichever occurs first.

C. If a name-based background check discloses that a driver is the subject of an outstanding felony want or warrant, TSA will ensure that the appropriate law enforcement agency is notified.

Such criminal history records checks are to include the review of available law enforcement databases and records as determined necessary by the Administrator of the Transportation Security Administration. In addition, TSA will be accessing other data sources as part of its effort to conduct background checks on commercial truck drivers who are authorized to carry hazardous materials.

TSA makes this request for the following reasons:

- In accordance with the USA PATRIOT Act, TSA must process criminal history records checks on more than three million commercial truck drivers who transport hazardous materials.

- Congress has determined that conducting background checks on commercial truck drivers transporting hazardous materials is a national priority. Given this urgency and the enormous volume of drivers to be checked, it is vital that TSA be given some latitude in conducting the background checks by first utilizing name-based checks while the infrastructure for fingerprint-based checks is put in place.

- TSA believes there are considerable gains in security to be made by using name-based background checks followed by fingerprint-based checks.

TSA proposes to carry out name-based background checks within the following parameters:

A. At the first Compact Council meeting following the conduct of name-based background checks for at least 180 days ("180-day test period"), TSA shall report back to the Compact Council. During a period of 180 days, TSA will work with the following entities to develop a comprehensive infrastructure for capturing and processing fingerprints of hazmat CDL holders:

- The Compact Council;
- State central repositories;
- State Departments of Motor Vehicles (DMVs);
- The CJIS Division of the FBI, including its Advisory Policy Council;
- SEARCH;
- The International Association of Chiefs of Police (IACP); and
- The American Association of Motor Vehicle Administrators.

B. The public will be notified in advance that drivers will be subject to a name-based background check. The mechanisms for notification will include the **Federal Register** and communications with the States, the trucking industry, and the driver corps.

C. In no more than 180 days, TSA will have the infrastructure in place to begin fingerprinting all current HAZMAT drivers.

D. All fees for fingerprint collection and processing will be borne by the individual subject to the background check, or by his or her employer.

TSA proposes use of NCIC (including III) to determine whether applicants present a potential terrorist threat or may otherwise be a threat to transportation security. Given the terrorist threat level in transportation, existing statutory mandates, and the lack of adequate infrastructure to conduct fingerprint-based checks, TSA proposes to draw on the ability of NCIC (including III) to provide criminal history data on hazmat drivers.

Approved: March 13, 2003.

Francine J. Kerner,  
Transportation Security Administration.

Agreed to: March 13, 2003.

Wilbur W. Rehmann  
Compact Council.

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Revised Notice of Meeting

For the 145th meeting of the Advisory Committee on Nuclear Waste (ACNW) which has now been rescheduled for September 23-24, 2003, instead of September 16-18, 11545 Rockville Pike, Rockville, Maryland.

Notice of this meeting was published in the **Federal Register** on Monday, September 8, 2003 (68 FR 52972). Following is the information for this meeting.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

#### Tuesday, September 23, 2003

**10:30 A.M.-10:40 A.M.: Opening Statement (Open)**—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate items of interest.

**10:40 A.M.-12 Noon.: Commission Presentations (Open)**—The Committee will discuss its presentation for the October 23, 2003 public meeting with the NRC Commissioners. Topics proposed for discussion:

- Chairman's Report
- High-Level Waste Risk Insights

- TSPA/TPA Working Group
- Performance Confirmation Working Group
- Status and Pathway to Closure on KTIs

**1 P.M.-6 P.M.: Committee Retreat (Open)**—The focus of the September 2003 retreat is to identify the suite of topics that the Committee intends to examine over the next 12 to 18 months. The topics to be proposed would be consistent with the priorities defined in Action Plan as well as earlier Committee discussions with the Commission and NMSS management.

#### Wednesday, September 24, 2003

**8:30 A.M.-8:35 A.M.: Opening Statement (Open)**—The Chairman will make opening remarks regarding the conduct of today's sessions.

**8:35 A.M.-1 P.M.: Committee Retreat (Continued) (Open)**—The Committee will identify specific topics and its plans for review of the relevant High-Level Waste issues from the present to the submission by DOE of a license application for the Yucca Mountain repository.

**1 P.M.-1:15 P.M.: Miscellaneous (Open)**—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 11, 2002 (67 FR 63459). In accordance with these procedures, oral or written statements may be presented by members of the public. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACNW (Telephone 301/415-6805), between 7:30 A.M. and 4 P.M. ET, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.