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Part II

**Department of
Transportation**

Federal Aviation Administration

**14 CFR Parts 107 and 108
Unescorted Access Privilege: Address
Change; Final Rule**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107 and 108

(Docket No. 29193; Amendment No. 107-11; 108-16)

**Unescorted Access Privileges:
Address Change**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: In October 1995, the FAA published a final rule requiring employment history checks for individuals authorized access to a security identification display area (SIDA) of a U.S. airport. This final rule changes the Federal Aviation Administration address to which fingerprint cards required for certain employment checks must be forwarded. This final rule announces an administrative decision internal to the FAA and does not affect the substance of the October 1995 final rule.

EFFECTIVE DATE: May 13, 1998.

FOR FURTHER INFORMATION CONTACT: Linda Valencia, Office of Civil Aviation Security Policy and Planning, Policy and Standards Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3413.

SUPPLEMENTARY INFORMATION

Availability of Final Rules

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339), the Federal Register's electronic bulletin board service (telephone: 202-512-1661), or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service (telephone: 800-FAA-ARAC).

Internet users may reach the FAA's web page at <http://www.faa.gov> or the Federal Register's webpage at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Communications must identify the amendment number or docket number of this final rule.

Persons interested in being placed on the mailing list for future Notices of Proposed Rulemaking and Final Rules should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, that describes the application procedure.

Background

Amendments 107-7 and 108-12 required airport operators and air carriers to conduct employment investigations and disqualify individuals convicted of certain enumerated crimes from having, or being able to authorize others to have, unescorted access privileges to a security identification display area (SIDA) of a U.S. airport. (60 FR 51854; October 3, 1995.) This rulemaking was promulgated to enhance the effectiveness of the U.S. civil aviation security system by ensuring that individuals applying for unescorted access privileges do not constitute an unreasonable risk to the security of the aviation system.

One of the requirements of the final rule is that airport operators, under part 107, and air carriers, under part 108, submit the fingerprint cards required for certain employment investigation checks to the FAA at its 800 Independence Ave., NW., Washington, DC address. However, for administrative reasons, the Office of Civil Aviation Security has determined that the cards could be more efficiently processed at the FAA field office in St. Louis, Missouri. Therefore, the FAA is amending the rules to indicate this change of address. The newly designated office to receive the fingerprint cards is: Federal Aviation Administration, Room 4597E, 9700 Page Avenue, St. Louis, MO 63132.

Readers will observe that this address does not appear in the amended regulatory language. The reason for not putting a specific address in the rule language is that, for every change to this address, the FAA must amend the regulations, a process that expends resources unnecessarily. However, the FAA also realizes that, in the future, if a change in address occurs, airport operators and air carriers must, as a practical matter, have such information quickly. Therefore, the FAA had determined that it will disclose any changes via the respective security programs to ensure that airport operators and air carriers are notified of any change of address in an expeditious manner.

This change of address is effective in 30 days. The FAA believes that this

constitutes sufficient notice for affected persons to effect the change.

Regulatory Process Matters

Because this is an administrative change with no substantive effect on any regulation and because the change of address constitutes no costs to regulated parties, the FAA has determined that prior notice and comment is unnecessary. The FAA also certifies that this administrative change will not impose a significant impact on small entities. In addition, it has also been determined that this final rule change is not a "significant regulatory action" under Executive Order 12866 nor is it a significant action under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979).

Paperwork Reduction Act

Information collection requirements found in § 107.31 and 108.33 have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), and have been assigned OMB Control Number 2120-0564. There are no new requirements for information collection associated with this amendment.

List of Subjects in 14 CFR Parts 107 and 108

Air carriers, Air transportation, Airlines, Airplanes operator security, Aviation safety, Security matters, Transportation, Weapons.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends parts 107 and 108 of Title 14, Code of Federal Regulations as follows:

PART 107—AIRPORT SECURITY

1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701, 44702, 44706, 44901-44905, 44907, 44913-44914, 44932, 44935-44936, 46105.

2. Amend § 107.31 to revise paragraph (i)(4) to read as follows:

§ 107.31 Access investigation.

* * * * *

(i) * * *

(4) The fingerprint card must be forwarded to the Federal Aviation Administration at the location specified by the Administrator.

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PART 108—AIRPLANE OPERATOR SECURITY

3. The authority citation for part 108 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40102, 40113, 40119, 44701–44713, 44901–44915, 44931–44937, 46105.

4. Amend § 108.33 to revise paragraph (e)(4) to read as follows:

§ 108.33 Access investigation.

* * * * *

(e) * * *

(4) The fingerprint card must be forwarded to the Federal Aviation

Administration at the location specified by the Administrator.

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Issued in Washington, DC on April 7, 1998.

Jane F. Garvey,

Administrator.

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