requests submitted to the FAA by airport operators and air carriers. The FAA will serve as the clearinghouse, in a manner similar to the NRC and will ensure fingerprint cards are forwarded to the FBI in a timely and cost effective manner. A \$24.00 fee will enable the FAA to recover its cost of processing and obtaining the FBI records. The FAA will charge the same \$24.00 user fee currently levied by FBI on the banking, securities, commodities futures trading industries and the NRC. The fee is subject to increase without prior notice upon determination by the FBI. Parties subject to this rule will be notified of fee increases by amendments to this rule in the future.

Upon completion of the FBI records check, the complete FBI record will be forwarded to the requesting entity. The regulation places specific limits on the use of the information contained in the criminal history records check. This issue is addressed in the preamble discussion of § 107.31(m).

The FAA has researched the possibility of using the NCIC system to allow airport operators and air carriers an alternative method for obtaining criminal history information for individuals applying for the privilege of unescorted access. As stated in the Notice of Public Meetings, and as discussed at the public meetings held on the initial notice, under published policy established by the NCIC's Advisory Policy Board, the NCIC is not available to check the records of applicants for employment in aviation related industries. In addition, checking an individual's name and other identifying information does not provide the same level of positive identification that derives from the use of a check based on an individual's fingerprints.

This final rule includes procedures for collecting fingerprints and requires that one set of legible fingerprints be taken on a card acceptable to the FBI (i.e., Federal Document 258). The airport operator may choose to have the airport law enforcement officers take the fingerprints. The FAA also requires verifying the individual's identity when taking his/her fingerprints. The individual must present two forms of identification, one of which must bear the individual's photograph. A current driver's license, military identification, or passport are examples of acceptable photographic identification. In addition, the fingerprint cards must be handled and shipped in a manner that protects the privacy of the individual.

Airport operators will send the fingerprint cards to the Federal Aviation Administration, 800 Independence Ave.

SW., Washington, DC 20591 (Attn: ACO-310, Access Processing). A corporate check, certified check, cashier's check or money order made payable to the "U.S. FAA" for \$24.00 per card must accompany the request.

The FAA will verify that the information required on the fingerprint cards is complete and forward the cards for processing. After the FBI completes the search of its index system, the FAA will receive the results and, in turn, will forward the results to the airport operator. Under this system, the airport operator will receive complete results of the check.

Section 107.31(j)—Making the Access Determination

Six commenters raise concerns over the airport operator or the air carrier being responsible for resolving any arrests for disqualifying crimes that have no disposition listed on the FBI criminal history records check result. ATA and RAA also suggest that the individual seeking employment should be responsible for furnishing any required disposition documentation.

FAA Response: This final rule requires the airport operator to ascertain the disposition of arrests for any of the enumerated offenses when no disposition has been recorded in the FBI's records, e.g., the case is pending or the FBI has no record. This task would be conducted with the affected individual and the jurisdiction where the arrest took place in order to determine whether a disposition has been recorded in that jurisdiction but not forwarded to the FBI. While the investigation will require assistance from the individual, it is the responsibility of the airport operator or the air carrier to complete the investigation. In determining whether to grant unescorted access to an individual with an arrest for one of the disqualifying crimes with no disposition, the airport operator should weigh all relevant information available on the individual, including the results of the access investigation.

Section 107.31(k)—Availability and Correction of FBI Records and Notification of Disqualification

Two commenters state that allowing applicants to challenge the accuracy of the FBI record will require involvement by the airport operator in a possibly lengthy and expensive process.

lengthy and expensive process. FAA Response: The Act requires that individuals have the right to challenge the accuracy of their criminal history record. While such a challenge may be a time consuming process, the FAA has no discretion to eliminate this right.

This rule does require the individual to notify the airport operator or its designee within 30 days of receipt of the record of his or her intent to correct any information believed to be inaccurate. Because the FBI maintains the records and has established procedures to address possible inaccuracies, it is appropriate to forward a copy of any requests for correction to the FBI. However, the FBI prefers that the actual request be made by the individual directly to the agency (i.e., federal, state or local jurisdiction) that supplied the questioned criminal history information to the FBI.

When taking the individual's fingerprints, the airport operator must notify the individual that he or she will be provided, upon written request, a copy of the results of the FBI criminal history records check prior to rendering the access decision.

If the airport operator is not notified by the individual within the 30-day period that he or she intends to dispute the results, the airport operator may make the final access decision. The airport operator is neither obligated to provide the individual with an escort before the correction (if any) is made, nor is the employer obligated to hire the applicant after the record is corrected. However, after being informed that the disqualifying information has been corrected, the airport operator would have to obtain a copy of the revised FBI record before the individual could be authorized for unescorted access.

If an individual is disqualified for unescorted access privileges based on the findings of the criminal history record check, the individual must be notified that such a determination has been made.

Section 107.31(1)—Individual Accountability

Two commenters address the issue requiring an individual with unescorted access authority to report any disqualifying convictions occurring after the completion of the employment investigation. One commenter concurs with the decision not to require a recurrent investigation and another states that the SNPRM did not adequately address the procedures that would apply in these cases.

FAA Response: This final rule adopts the "self-disclosure" provision included in the SNPRM. Any person holding unescorted access authority who is convicted of any of the disqualifying crimes after January 31, 1995, must surrender the identification media to the issuer within 24 hours of learning of the conviction. This final rule does not provide additional guidance on this