

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****23 CFR Part 1327**

[Docket No. NHTSA-97-3280]

RIN 2127-AG21

Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This final rule announces that the changes that were made in an interim final rule to the agency's National Driver Register regulation to implement the Pilot Records Improvement Act of 1996, will remain in effect. The Pilot Records Improvement Act authorized air carriers to receive information from the National Driver Register (NDR) regarding the motor vehicle driving records of individuals who are seeking employment with an air carrier as a pilot. The interim final rule established the procedures for those pilots to request, and for those air carriers to receive, NDR information. In addition, this final rule further amends the regulation by extending until December 31, 1997, the date until which air carrier file checks can be submitted directly to the NDR for processing.

DATES: This final rule becomes effective on January 5, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. William Holden, Chief, Driver Register and Traffic Records Division, NTS-32, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590; telephone (202) 366-4800 or Ms. Heidi L. Coleman, Assistant Chief Counsel for General Law, Office of Chief Counsel, NCC-30, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590; telephone (202) 366-1834.

SUPPLEMENTARY INFORMATION:**Background**

The National Driver Register (NDR) is a central file of information on individuals whose licenses to operate a motor vehicle have been denied, revoked, suspended, or canceled, for cause, or who have been convicted of certain serious traffic-related violations, such as racing on the highways or driving while impaired by alcohol or other drugs.

As provided in the NDR Act of 1982, as amended, 49 U.S.C. 30301 *et seq.*, State chief driver licensing officials are authorized to request and receive information from the NDR for driver licensing and driver improvement purposes. When an individual applies for a driver's license, for example, these State officials are authorized to request and receive NDR information to determine whether the applicant's driver's license has been withdrawn for cause in any other State. Because the NDR is a nationwide index, chief driver licensing officials need to submit only a single inquiry to obtain this information.

State chief driver licensing officials are also authorized under the NDR Act to request NDR information on behalf of other authorized NDR users for transportation safety purposes. The NDR Act authorizes the following transportation entities to receive NDR information for limited transportation safety purposes: the National Transportation Safety Board and the Federal Highway Administration for accident investigation purposes; employers and prospective employers of motor vehicle operators; the Federal Aviation Administration (FAA) regarding any individual who has received or applied for an airman's certificate; the Federal Railroad Administration (FRA) and employers or prospective employers of railroad locomotive operators; and the U.S. Coast Guard regarding any individual who holds or who has applied for a license, certificate of registry, or a merchant mariner's document. (The Coast Guard has been authorized in recent legislation, section 207 of Pub. L. 104-324, to request and receive NDR information also regarding any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve.) The Act also provides that individuals can learn whether information about themselves is on the NDR file and can receive any such information.

On October 9, 1996, the Pilot Records Improvement Act of 1996, Pub. L. 104-264, was enacted into law. Section 502 of that Act contained an amendment to the NDR Act of 1982, as amended, 49 U.S.C. 30305, authorizing air carriers to receive NDR information regarding individuals who are seeking employment as a pilot with an air carrier.

Interim Final Rule

On May 19, 1997, NHTSA published an interim final rule in the **Federal Register**, 62 FR 27193, amending the regulations that implement the National

Driver Register Act. The interim final rule established the procedures for individuals who are seeking employment with an air carrier as a pilot to request, and for those air carriers to receive, NDR information.

In particular, the interim final rule explained that the procedures that air carriers would use to receive NDR information would be similar to those used by the employers of motor vehicle and railroad locomotive operators, the FAA, the FRA, and the U. S. Coast Guard in checking their applicants for employment or certification.

Air carriers may not initiate a request for NDR information. Rather, the individual seeking employment as a pilot must do so. To initiate a request, the individual must either complete, sign and submit a request for an NDR file search, or authorize the air carrier to request the NDR file search by completing and signing a written consent. The request or written consent must state that NDR records are being requested; state specifically who is authorized to receive the records; be dated and signed by the individual (the pilot); and state specifically that the authorization is valid for only one search of the NDR. It must also state specifically that the NDR identifies "probable" matches that require further inquiry for verification, that it is recommended (but not required) that the air carrier verify matches with the state of record, and state that individuals have the right to request NDR records regarding themselves to verify the accuracy of any information on the file pertaining to them.

The interim final rule explained that the Pilot Records Improvement Act provides that an individual, about whom a request has been made, is entitled to receive written notice about the request for records and of the individual's right to receive a copy of any records provided to the prospective employer. Accordingly, the request or written consent that the individual completes must also include this notice.

The interim final rule explained that the Pilot Records Improvement Act provides that requests for NDR information are to be submitted through State chief driver licensing officials. Such requests may be submitted through the chief driver licensing official of any State that participates in the NDR's Problem Driver Pointer System (PDPS). The interim rule indicated that, at the time of publication, 49 States (all States, except for the State of Oregon and the District of Columbia) were participating in the NDR PDPS. Since that time, Oregon has completed its transition to the PDPS.

Accordingly, all 50 States are now participating in the new NDR system.

The agency recognized in the interim final rule, however, that even participating States will require some time to develop procedures for processing these air carrier requests and to train their personnel in the new procedures. Accordingly, to provide the States with sufficient preparation time, the agency indicated in the interim final rule that the NDR would accept air carrier requests for NDR information directly for a limited period of time. The interim regulation provided that such requests may be submitted directly to the NDR for processing until September 30, 1997. After that date, the agency stated that air carriers would be required to submit requests through a State chief driver licensing official. The agency expressed in the interim final rule its belief that this period (until September 30, 1997) would provide sufficient planning time for participating States. As explained more fully later in this notice, the agency has since notified air carriers that this deadline was being extended.

The interim regulation provided that requests submitted through State chief driver licensing officials must follow procedures established by the State and requests submitted directly to the NDR must follow NDR procedures. For example, individuals must verify their identity in accordance with State procedures when they submit requests through a State. When individuals submit requests directly to the NDR, their requests must be notarized.

Under the interim regulation, if a request has been submitted directly to the NDR, the response will be provided from the NDR directly to the air carrier. If a request has been submitted through a State chief driver licensing official, the response will be provided from the NDR to the chief driver licensing official, who in turn will provide it to the air carrier.

The NDR response will indicate whether a match (probable identification) was found and, if so, the response will also identify the State in which the full substantive record can be found (the State of record). In the interim final rule, the agency encouraged air carriers that receive matches to obtain the substantive data relating to the match from the State of record to determine whether the person described in the record is in fact the subject individual before taking further action. The agency explained that air carriers would not receive information that was entered in the NDR if the information concerned a licensing action that took place more than five

years before the date of the request, unless the information concerned a revocation or suspension still in effect on the date of the request.

The agency also explained in the interim final rule that the Pilot Records Improvement Act of 1996 provided that air carriers that maintain, or request and receive NDR information about an individual must provide the individual a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

For additional information regarding requests authorized under the Pilot Records Improvement Act of 1996, including sample forms, the agency cited FAA Advisory Circular 120-68.

Finally, the agency explained that part 1327 currently provides that a third party may be used by a person authorized to receive NDR information (an authorized user) to forward requests for NDR file searches (through a chief driver licensing official) to the NDR; however, the third party requester may not receive the NDR response since the third party is not authorized by the NDR Act to receive NDR information. The agency indicated that part 1327 provides that both the authorized user and the individual concerned must sign a written consent authorizing the third party to forward requests for NDR file searches (through a chief driver licensing official) to the NDR, and that this portion of part 1327 has not been changed by this interim final rule.

Request for Comments

NHTSA requested comments from interested persons on the procedures put in place by the interim final rule published in May. Comments were due no later than July 18, 1997. NHTSA stated in the interim final rule that all comments submitted in response to the rule would be considered and that the agency would publish a notice responding to the comments and, if appropriate, further amendments would be made to the provisions of part 1327.

Comments Received

NHTSA received submissions from five commenters in response to the interim final rule. The commenters included the National Air Transportation Association (NATA); the International Brotherhood of Teamsters (IBT), Airline Division; the American Association of Motor Vehicle Administrators (AAMVA), which represents Motor Vehicle Administrators in all the States; and the Division of Motor Vehicles in two

individual States—New Jersey and Wisconsin.

The comments raised in these submissions and the agency's response thereto are discussed below:

1. Initiating an NDR File Check

Subparagraph 1327.6(f)(1) of the interim rule provided that, to initiate a file check of the NDR, the individual seeking employment as a pilot with an air carrier shall either complete, sign and submit a request directly to the chief driver licensing official of a participating State (in accordance with procedures established by the State) or authorize the air carrier with whom the individual is seeking employment to request a file check through the State (in accordance with State procedures), by signing a written consent.

In its comments regarding the interim rule, AAMVA asserted that, "The rule requires individuals submitting a request for an NDR check to verify [their] identity in accordance with State procedures." AAMVA expressed concern that such a requirement could require a personal visit to a driver licensing office, and AAMVA recommended that individuals should be permitted instead to submit applications through the mail, perhaps with a notarized signature to permit verification of identity.

The interim regulation provided that NDR file checks must be submitted in accordance with procedures established by the States. It did not prescribe what those procedures must provide. The regulation did not require, for example, that States establish procedures that require individuals to visit a driver licensing office in person. In accordance with the interim NDR procedures, when individuals submitted requests directly to the NDR, these individuals were required to verify their identity using a notarized signature. The interim regulation did not prevent a State from establishing a similar procedure. These portions of the interim regulation have not been changed.

AAMVA recommended also in its comments that NHTSA include in its final rule a model form that individuals and air carriers can use when requesting the NDR check. The purpose of NHTSA's part 1327 regulation is to establish the conditions for States to participate in the NDR and to establish the conditions and procedures for others to use the NDR. As explained in the interim final rule, detailed information regarding the manner in which requests authorized under the Pilot Records Improvement Act of 1996 are to be submitted, was included in Federal Aviation Administration (FAA)

Advisory Circular 120-68. The Circular included sample forms. Individuals or air carriers that are interested in obtaining copies of these forms, are encouraged to contact a State Department of Motor Vehicles or the National Driver Register.

The National Air Transportation Association (NATA) suggested that, since "NDR searches can be initiated by third parties," NHTSA should develop a standard form, similar to the form in FAA Advisory Circular 120-68, to facilitate the submission of third party requests. It is important to note that while third parties may be used by a person authorized to receive NDR information to forward requests for searches of the NDR, the third party requester may not receive the NDR response, since the third party is not itself authorized under the NDR Act to receive NDR information. Accordingly, it has been determined that a separate form need not be developed when requests are submitted by third parties.

2. File Checks Directly to the NDR

Subparagraph 1327.6(f)(2) of the interim rule provided that NDR file checks may be submitted directly to the NDR, rather than through a State chief driver licensing official, until September 30, 1997. After that date, according to the interim final rule, requests would have to be submitted through a participating State.

AAMVA and two individual Motor Vehicle Divisions (from the States of New Jersey and Wisconsin) all urged the agency to extend this deadline beyond September 1997. AAMVA stated that one of its members had indicated that it would not be able to make the necessary modifications until December 1, 1997. The New Jersey Division of Motor Vehicles commented that it would have difficulty making preparations to process these types of requests until January 1, 1998.

The agency recognized, in its interim final rule, that States would require some time to develop procedures for processing air carrier requests and to train their personnel in the new procedures. In September 1997, NHTSA determined that no State was ready yet to process these air carrier complaints. Accordingly, the agency made a determination that an extension of time was warranted and it notified NATA and air carriers that the NDR would continue to process air carrier requests through December 31, 1997. Other interested parties, including AAMVA and State Departments of Motor Vehicles, were also notified.

Although NHTSA encourages States to complete their preparations and to

begin processing these requests prior to December 31, 1997, if possible, the regulation has been amended to provide for the submission of requests directly to the NDR until December 31, 1997.

NATA asserted that some air carriers are likely to send requests directly to the NDR after the deadline has passed, and recommended that NHTSA allow a transitional "grace period" during which time any request received by the Washington, D.C. offices will still be processed. The agency has decided not to adopt this recommendation. As stated in the interim final rule, the NDR will not process air carrier requests postmarked after the established deadline. Accordingly, any request received directly from an air carrier after December 31, 1997, will be returned to the air carrier for submission through a participating State.

NHTSA agrees, however, with NATA that steps should be taken to provide for a smooth transitional period. During the month of December, the agency reminded State Departments of Motor Vehicles (DMV's), air carriers and their membership organizations (AAMVA, NATA and the AIR Conference), of the changes that were due to take place to the submission procedures after December 31, 1997. The agency plans also to provide periodically to NATA, a list for distribution to air carriers, of the States that have become ready to accept and process air carrier requests.

AAMVA noted in its comments that when the NDR ceases to accept directly-submitted air carrier requests, the requests must all be processed by "participating States." AAMVA asks how requests will be handled for individuals in jurisdictions that are not participating in PDPS and recommends that the rule address this issue.

The agency finds that this issue does not warrant that any adjustments be made to the rule. All 50 States participate in the NDR PDPS. The District of Columbia is the only jurisdiction that is not yet a "participating State," and it is taking steps to complete its conversion process to PDPS. Thirty States are currently ready to process air carrier requests, and the other States are taking steps to become ready. More importantly, however, the interim regulation did not require that requests regarding an individual seeking employment as a pilot with an air carrier be submitted to any particular State chief driver licensing official (such as in the State in which the air carrier is incorporated or does business, or in which the individual resides or is licensed). Requests regarding such individuals can be submitted to a participating State.

Accordingly, no changes have been made to the interim final rule as a result of this comment.

3. Request for an NDR File Check or Written Consent

Subparagraph 1327.6(f)(3) of the interim rule listed the information that must be included in requests for NDR file checks and written consent forms.

Section 502 of the Pilot Records Improvement Act of 1996 provides that, if records have been requested and provided about an individual, the individual who is the subject of the records is entitled to receive written notice of the request and of the individual's right to receive a copy of such records. AAMVA asserts in its comments that this requirement appears to be contradictory. Since an air carrier is not authorized to initiate an NDR check without prior authorization from the individual, AAMVA states that it seems a contradiction to say that the individual must be notified about any request made.

NHTSA agrees that the strict application of this statutory requirement to NDR requests would result in redundancy. For this reason, the agency's interim final rule provided (in section 23 CFR 1327.6(f)(3)(vi)) that any request for an NDR file check or written consent for such a check must specifically state that, "pursuant to Section 502 of the Pilot Records Improvement Act of 1996, the request (or written consent) serves as notice of a request for NDR information concerning the individual's motor vehicle driving record and of the individual's right to receive a copy of such information." No additional notice must be provided. This portion of the regulation has not been changed.

4. Air Carriers Must Provide Reasonable Opportunity To Submit Written Comments

Subparagraph 1327.6(f)(4) of the interim rule stated that air carriers that maintain, or request and receive, NDR information about an individual must provide the individual a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

In its comment, the International Brotherhood of Teamsters (IBT), Airline Division, asked, "What is reasonable opportunity?" This term was used, but was not defined, in the Pilot Records Improvement Act of 1996.

Air carriers are reminded that NDR responses will indicate whether there has been "probable," not "positive"

identifications. The agency encourages air carriers that receive matches to obtain the substantive data relating to the match from the State of record to determine whether the person described in the record is in fact the subject individual before taking further action.

In fact, subparagraph 1327.6(f)(5) of the interim rule specifically stated that in the case of a match, "the air carrier should obtain the substantive data relating to the record from the State of record and verify that the person named on the probable identification is in fact the individual concerned before using the information as a basis for any action against the individual."

Providing an individual with a "reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual" necessarily would require that the individual has had sufficient time to obtain and review the record received by the air carrier, to determine whether there are any inaccuracies in the record and to prepare written comments should corrections be necessary. The agency does not have sufficient information upon which to establish a precise definition of the term "reasonable opportunity" in its regulation. Air carriers will need to determine what is reasonable based on the procedures they choose to put in place.

5. *Applicability of Rule*

The IBT notes that the interim final rule specifically refers to "pilots" only and not to any other aircraft crewmembers and sought confirmation that the interim final rule applies only to pilots.

The IBT is correct. The provisions in the interim final rule providing authority to air carriers to receive NDR information about individuals, apply only to individuals seeking employment as pilots.

6. *General Comments*

The IBT expressed opposition to the agency's interim final rule for three reasons. First, according to the IBT, there has been no justification provided demonstrating any measurable degree of improved safety for the rule. Second, the IBT believes that, while the rule may be well intended, it may in effect end pilot employment for a measurable number of current and future aviators. Third, the IBT asserts that the rule appears to be an unwarranted invasion of individual privacy. For these reasons, the IBT urges the agency to withdraw the interim final rule. The agency does

not share the concerns that the IBT expresses in support of its opposition and, for the reasons cited below, it will not withdraw the rule.

With regard to the IBT's assertion that there has been no justification provided demonstrating a measurable degree of improved safety for the rule, similar objections were raised in 1990 when the FAA issued a final rule, implementing a legislative change that provided access to NDR information to the FAA. 55 FR 31300. In the preamble to that final rule, FAA acknowledged that there was a lack of statistical data to support the expanded access. FAA noted, however, "that from 1978 to 1987, 6.0 percent of general aviation pilots killed in aviation accidents had a blood alcohol level of 0.04 percent or more. During that same period, 11,213 people died in general aviation accidents. If the rule were to result in the saving of a few lives, the potential benefits of the rule would exceed its potential cost." FAA stated further that it "believes, in fact, that the rule will be significantly more effective than one percent so that potential benefits are likely to significantly exceed costs."

A recent study (using data from the years 1986-1992) reported that, while the vast majority of airline pilots have never been convicted of a driving while intoxicated (DWI) offense, 1.96 percent have been convicted of such an offense. "When it comes to air travel there's Safety in Numbers," Kathleen L. McFadden, *OR/MS Today*, August 1997, p.30. The study found also that "the presence of even one DWI conviction was associated with a doubling of the risk of pilot-error accidents. The presence of two or more DWI's almost quadrupled that likelihood." The study noted that the cost of verifying DWI information with the NDR is "quite inexpensive, only about \$2.50 per pilot." Since the risks associated with having a DWI conviction are so high and the costs of identifying pilots who have been convicted of such an offense is so low, the agency believes the continued use of this information is indeed justified.

Secondly, the IBT asserts that the rule "in effect may end pilot employment for a measurable number of current and future aviators." According to the IBT, some carriers have well planned and lengthy hiring processes that may permit implementation of the interim final rule with little impact. Certain smaller carriers, however, often expand their work force based on current need. The IBT concludes that, as a result of the interim final rule, carriers will hire applicants without any record and "individuals with any type of driving

record" will be "permanently bar[red]" from employment.

The agency disagrees that this will necessarily be the outcome. Congress anticipated this concern and, therefore, required in the legislation that air carriers that receive NDR information about an individual must provide the individual a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual. Accordingly, it is likely that some carriers will extend their hiring processes, but individual pilots that are incorrectly identified in a probable match should not be barred from employment.

To illustrate its concern about "ending [or preventing] employment," the IBT stated that, for example, an applicant could be turned down for a pilot position when the pilot was "guilty of immature judgment when young that does not now reflect his mental and psychological state." Steps have been taken to prevent such an occurrence, as well. Air carriers will not receive information concerning licensing actions if the actions took place more than five years before the date of a request, unless the information concerned revocations or suspensions still in effect on the date of the request.

Finally, the IBT asserts that the rule will result in an unwarranted invasion of individual privacy. Again, NHTSA does not agree. The agency recognizes that the NDR does contain personal information about individuals, because it identifies individuals who have been convicted of certain serious traffic offenses or who have lost or been denied their driving privileges for cause. Moreover, Congress recognized that the NDR contains sensitive information. Therefore, precautions have been taken, in both the NDR Act and in its implementation by the agency, to protect the rights of individuals.

The NDR Act provides, in subsection 30305(c), that requests for NDR information shall be subject to the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a. The NDR is a Privacy Act system of records and, as such, is subject to all restrictions and security measures required under that Act. Moreover, additional restrictions and security measures are imposed by the NDR Act.

For example, notwithstanding the provisions of the Privacy Act (which permits access to information in a Privacy Act system of records under certain conditions), the NDR Act provides that NDR information will be relayed only to persons specifically

authorized to receive such information under the Act. These persons include States (for driver licensing, driver improvement and transportation safety purposes), employers of motor vehicle and locomotive operators, certain Federal agencies involved in transportation safety, the individuals about whom the records relate and, now, air carriers regarding individuals who are seeking employment with the air carrier as a pilot.

In addition, any request for NDR information by an employer, a prospective employer or any Federal agency, other than the National Transportation Safety Board or the Federal Highway Administration during the course of an investigation, must be initiated by the individual about whom records are being requested. Further, the NDR has nearly completed its conversion to the Problem Driver Pointer System (PDPS), a system under which the NDR will no longer contain substantive records about traffic offenses, but will instead contain only pointer records. The pointer records include identifying information about individuals that have been the subject of driver licensing actions and the name of the State that took the action. The actual substantive information about these offenses must be requested from the States of record.

Congress has determined, and the agency maintains, that the public interest that is served by using NDR information to promote transportation safety outweighs the privacy concerns that are raised by the limited disclosure that is made of NDR information to the select group of persons authorized to receive such information, under Federal law.

More importantly, the agency is not at liberty simply to withdraw the interim final rule. Federal legislation was enacted by Congress and signed into law by the President, requiring air carriers to check and authorizing them to receive information from the NDR regarding the motor vehicle driving records of individuals who are seeking employment with air carriers as pilots. This agency has an obligation to amend its regulations to implement this amendment to the NDR Act.

Accordingly, the interim final rule has not been withdrawn. The interim final rule, as amended herein, becomes effective upon publication of this final rule in the **Federal Register**.

Regulatory Analyses and Notice

Executive Order 12778 (Civil Justice Reform)

This final rule will not have any preemptive or retroactive effect. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The agency has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or Department of Transportation Regulatory Policies and Procedures. The changes in this final rule merely reflect amendments contained in Public Law 104-264. Accordingly, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the agency has evaluated the effects of this action on small entities. Based on the evaluation, we certify that this action will not have a significant impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Paperwork Reduction Act

There are reporting requirements contained in the regulation that this rule is amending that are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. Accordingly, these requirements have been submitted previously to and approved by OMB, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements have been approved through the year 2000 under OMB No. 2127-0001.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it will not have any significant impact on the quality of the human environment.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and

criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Accordingly, the preparation of a Federalism Assessment is not warranted.

List of Subjects in 23 CFR Part 1327

Highway safety, Intergovernmental relations, National Driver Register, Reporting and recordkeeping requirements.

In consideration of the foregoing, the interim final rule published in the **Federal Register** of May 19, 1997, 62 FR 27193, amending 23 CFR part 1327, is adopted as final, with the following changes:

PART 1327—PROCEDURES FOR PARTICIPATING IN AND RECEIVING INFORMATION FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

1. The authority citation for Part 1327 continues to read as follows:

Authority: Pub.L. 97-364, 96 Stat. 1740, as amended (49 U.S.C. 30301 *et seq.*); delegation of authority at 49 CFR 1.50.

§ 1327.6 [Amended]

2. Section 1327.6 is amended by changing the date "September 30, 1997" in paragraph (f)(2) to "December 31, 1997".

Issued on: December 30, 1997.

John Womack,

Acting Chief Counsel, National Highway Traffic Safety Administration.

[FR Doc. 97-34228 Filed 12-30-97; 1:56 pm]

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POSTAL SERVICE

39 CFR Part 111

Presort Requirements for Periodicals Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule sets forth revised Domestic Mail Manual (DMM) standards adopted by the Postal Service to implement a sectional center facility (SCF) level of sack for Periodicals automation and nonautomation mailings of nonletter-size pieces. An SCF level of package will not be added. Only 5-digit and 3-digit packages will be permitted in the SCF sack. SCF sacks will be prepared after 5-digit and 3-digit sacks, and prior to preparing ADC sacks. **EFFECTIVE DATES:** Optional preparation effective January 5, 1998. Preparation of