

**Department of Justice (DOJ)**  
**Federal Bureau of Investigation (FBI)**

**Final Rule Stage**

**1836. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)**

**Priority:** Other Significant

**Legal Authority:** 49 USC 33109 to 33111

**CFR Citation:** 28 CFR 89

**Legal Deadline:** None

**Abstract:** The Attorney General is required to establish a National Stolen Passenger Motor Vehicle Information System (NSPMVIS) pursuant to the Anti Car Theft Act of 1992 (49 U.S.C. 33109 to 33111). The FBI is coordinating efforts in this matter and, under delegated authority from the Attorney General, the FBI is issuing this rule to establish a national system to verify the theft status of major motor vehicle component parts and junk or salvage vehicles. The system will include certain information about each passenger motor vehicle reported to a law enforcement agency as stolen and not recovered. The rule provides how an individual or entity may obtain information from the system on whether a vehicle or part is listed as stolen. The rule also provides verification procedures to be followed by insurance carriers and certain motor vehicle part businesses. In order to verify the theft status of a part or junk or salvage vehicle, an identification number will have to be obtained from the part or vehicle.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17027
NPRM Comment Period End	06/10/02	
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** The Criminal Division will issue a related regulation to implement the National Motor Vehicle Title Information System (NMVTIS). As required by statute, 49 U.S.C. section 30504(a), the regulation will direct junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the NMVTIS concerning vehicles in their possession. (See RIN 1105-AA71.)

(RIN 1110-AA01 has been transferred from RIN 1105-AA44.)

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**RIN:** 1110-AA01

**1837. REGULATIONS UNDER THE PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 104-236, sec 9

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Other, Statutory, October 3, 1999, The Act does not distinguish between NPRM and final regulations.

**Abstract:** The FBI is issuing regulations to carry out the Pam Lychner Sexual Offender Tracking and Identification Act of 1996. These regulations include guidelines as to the operation and use of the national sex offender registry established by the FBI and the notice to be provided to the FBI in the event a registered sex offender moves interstate.

**Timetable:**

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562
NPRM Comment Period End	04/19/99	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State, Tribal

**Additional Information:** Transferred from RIN 1105-AA56.

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**RIN:** 1110-AA04

**1838. FINAL NOTICE OF CAPACITY; SUPPLEMENT TO RESPOND TO REMAND**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 1003(a)(1)

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** As required by section 104 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI published a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the information they will need to meet law enforcement's future simultaneous electronic surveillance requirements. The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218).

This Notice provided numerical requirements for the "actual" and "maximum" numbers of surveillance that wired and wireless telephone networks should be able to accommodate, broken down by geographic region. The numbers were derived from a survey and analysis of the numbers of surveillance historically conducted at the same time in every region throughout the country.

After its issuance, telecommunications carriers and trade associations challenged the Final Notice on a number of grounds, primarily alleging that the numbers of surveillance stated therein were too high. To summarize, the FBI was directed by the Court of Appeals to provide further explanation on two issues: (1) The decision to treat as "simultaneous" any two or more historical surveillance on the same day and, (2) the decision to set forth only one "actual" and one "maximum" capacity requirement number per region, rather than separate requirements for each type of surveillance.

The Supplemental Notice, published on 12/05/2003, provided further explanation for the FBI's interpretation of the term "simultaneously," and set forth a new method of interpreting the existing capacity requirements that will allow carriers to break out the number of communications interceptions from the total requirement. The Supplement also set forth new guidance to reduce the requirements for simultaneous communications interceptions applicable to carriers operating in regions with high capacity requirements. This was done to reduce the concerns raised by the Court of Appeals. The FBI will finalize the Supplement and issue a new Notice for the purpose of responding to the remand of the Court of Appeals.

## DOJ—FBI

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Supplement to Final Notice of Capacity Responding to Remand	12/05/03	68 FR 68112
Comment Period on Supplement End	02/03/04	
Finalization of Supplement to Final Notice of Capacity Responding to Remand	09/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** See also RINs 1110-AA21 and 1110-AA22.

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**RIN:** 1110-AA10**1839. • IMPLEMENTATION OF THE PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2004****Priority:** Other Significant**Legal Authority:** 18 USC 534; PL 108-456, sec 6402**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, June 15, 2005, Statutorily required final rule within 180 days of enactment (enacted 12/17/2004).**Abstract:** The Private Security Officer Employment Authorization Act of 2004, Public Law 108-458, Section 6402(d)(2),

(the Act) requires the Attorney General to issue rules to regulate the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping of the criminal history record information and related information; standards for qualifying an authorized employer; and the imposition of fees. This rule amends Title 28 of the Code of Federal Regulations to implement the Act. The rule authorizes access to FBI-maintained justice information systems to authorize a fingerprint-based check of state and national criminal history records to screen prospective and current private security officers.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State

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**RIN:** 1110-AA23**1840. • CARRIAGE OF CONCEALED WEAPONS PURSUANT TO PUBLIC LAW 108-277, THE LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 108-277**CFR Citation:** 20 CFR 20**Legal Deadline:** None

**Abstract:** The Law Enforcement Officers Safety Act of 2004, Public Law 108-277, (the Act) exempts qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns. This rule implements the Act by amending 28 CFR 20.3 (b) to add “the issuing of identification documents to current and retired law enforcement officers pursuant to Public Law 108-277” to the definition of administration of criminal justice. This change will authorize access to FBI-maintained criminal justice information systems to support performing criminal background checks on current and retired law enforcement officers seeking identification documents to carry a concealed firearm pursuant to Public Law 108-277.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

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**RIN:** 1110-AA24
**Department of Justice (DOJ)**  
**Federal Bureau of Investigation (FBI)**

## Long-Term Actions

**1841. COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT: DEFINITIONS OF “REPLACED” AND “SIGNIFICANTLY UPGRADED OR OTHERWISE UNDERGONE MAJOR MODIFICATION”****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 28 CFR 100**Timetable:**

Action	Date	FR Cite
ANPRM	11/19/96	61 FR 58799
ANPRM Comment Period End	12/19/96	
NPRM	04/28/98	63 FR 23231
NPRM Comment Period End	06/29/98	

Supplemental NPRM Proposing Definitions	10/05/01	66 FR 50931
Supplemental NPRM Comment Period End	12/04/01	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses