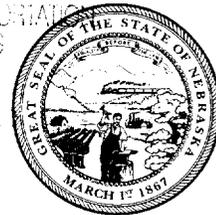


245662
STATE OF NEBRASKA

DEPARTMENT OF MOTOR VEHICLES
Beverly Neth
Director
May 30, 2003

DEPT. OF TRANSPORTATION
DOCKETS

2003 JUN -9 1



Mike Johanns
Governor

U.S. Department of Transportation
Docket Management System
400 Seventh Street, S.W., Room Plaza 401
Washington, DC 20590-0001

RE: Docket Number TSA-2003-14610 - 10
Docket Number FMCSA-2001-11117 - 21

To Whom It May Concern:

This letter is to request clarification on the TSA and FMCSA dockets listed above

Department of Transportation - Part V - 49 CFR Parts 383 and 384:

1. Currently applicants are required to obtain a hazmat endorsement if they are required to be placarded. This language is easy to understand for the applicants, employers and state driver license examiners. DMV asks for clarification in the change to the definition of a commercial motor vehicle which adds "or any quantity of a material listed as a select agent or toxin in 42 CFR part 73". When transporting any quantity of a material listed as a select agent or toxin in 42 CFR part 73, is the driver required to be placarded? I was unable to bring 42 CFR part 73 up on the DOT website.
2. Does the security threat assessment need to be done each time the applicant applies for an initial, transfer, renewal or upgrade CDL with the hazmat endorsement? For example....the individual comes in on March 1, 2004 and applies for an initial Class B CDL with the hazmat endorsement and it is issued. The applicant returns on April 1, 2004 to upgrade to a Class A CDL with the hazmat endorsement. Is the assessment required again even though it was just done?
3. Department of Homeland Security - Part VI - 49 CFR Parts 1570 and 1572 allows for issuance exceptions, but this rule does not. Can you clarify whether the security threat assessment results need to be received by the DMV or not prior to the issuance of a renewal, upgrade or transfer CDL with the hazmat endorsement?
4. What steps must an applicant take to get the security screening done? What does the security screening consist of? Who does it? How much does it cost? What and who do they send it to?
5. Some Nebraska CDL's with the hazmat endorsement are issued for over five years, but less than six years based on statutory language, is that a problem?

Department of Homeland Security - Part VI - 49 CFR Parts 1570 and 1572:

1. Since Nebraska DMV facilities are not open on the weekends, how can the applicant meet the dropping of the hazmat endorsement beginning on September 2, 2003 within 24 hours?
2. Is the DMV required to keep track of those individuals surrendering their hazmat endorsements beginning on September 2, 2003?
3. What is the form and manner of submission of the fingerprints that TSA desires?
4. DMV does not "revoke", but rather "removes or drops" endorsements. As long as the individual no longer has the endorsement, is that a problem?
5. Is submission of fingerprinting required when upgrading a CDL with the hazmat endorsement on it? This particular language was dropped from Part VI.
6. What entity will collect the fingerprints and generate the individual's criminal history?
7. Are only certain entities "certified" to do #6?
8. Will DMV receive the "Notification of No Security Threat" in electronic or paper form?
9. What identifying information will the "Notification of No Security Threat" have on it so that DMV can link the correct person to it?



10. Does DMV need to receive a "Notification of No Security Threat" for individuals upgrading their CDL with the hazmat endorsement on it?
11. Is the initiation of the security screening process required at least 90 days prior to expiration for all individuals before and after November 3, 2003? Rule V and Rule VI do not read the same on this topic.
12. How will TSA tie the fingerprint information with the application information together since it will be sent from two separate entities in the State (probably State Patrol and DMV)?
13. How will TSA direct us to revoke the hazmat endorsement of an applicant due to the results of a security screening, paper form or electronically?
14. Do persons upgrading their CDL with the hazmat endorsement have to complete the application that gets sent to TSA?
15. Does the DMV need to keep a copy of the application form sent to TSA?
16. In what form and manner does the DMV forward the application to TSA? Nebraska does not retain the digital signature of the applicant at the application stage so it would not be possible to send the signature electronically.
17. How soon after the applicant completes the application must it be sent to TSA?
18. Why doesn't TSA notify the applicant when the results of the security screening indicate that the applicant is NOT a security threat so they know that the hazmat endorsement can be added?
19. How long does TSA have to do the security threat assessment?
20. What does the DMV do with the "Initial Notification of Threat Assessment"? Why does DMV even get a copy of this form?
21. How can the DMV notify the applicant that the hazmat endorsement has been approved and ensure that the applicant comes in within 15 days as required by this Rule?
22. What programming changes are required by DMV to update CDLIS with the results of the security threat assessment?
23. DMV already verifies applicants social security numbers and would not authorize issuance unless we receive a valid response from SSA. Why would TSA also do the social security check in this case?
24. When applicants appeal TSA's decision to revoke their hazmat endorsement, will the DMV know the individual is appealing?
25. Is there any possibility of extending these requirements beyond November 3, 2003 to allow for passage of state statutes related to the Patriot's Act?
26. How is the first year of noncompliance determined?

Thank you for your assistance in answering these questions as quickly as possible. If you have any questions, please contact Sara O'Rourke, Driver's License Administrator, at 402/471-3861.

Sincerely,



Patricia K, Phillips
Deputy Director

PKP/so