



Federal Register

**Tuesday,
May 27, 2003**

Part XII

**Department of
Justice**

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I and V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2003 regulatory agenda pursuant to Executive Order 12866 "Regulatory Planning and Review," 58 FR 51735, and the

Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

FOR FURTHER INFORMATION CONTACT:

Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 7236, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) requires that, each year, the Department publish a list of those regulations that have a significant economic impact upon a substantial number of small entities and are to be reviewed under section 610 of the Act during the succeeding 12 months. This edition of the Department's unified agenda includes three regulations requiring

such a review: "Commerce in Explosives (Including Explosives in the Fireworks Industry)" (RIN 1140-AA01); "Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities" (RIN 1190-AA44); and "Nondiscrimination on the Basis of Disability in State and Local Government Services" (RIN 1190-AA46). In accordance with the RFA, comments are specifically invited on these regulations. Those comments should be addressed to the contact persons listed in the entries for these items.

Dated: April 9, 2003.

Viet D. Dinh,

Assistant Attorney General, Office of Legal Policy.

Bureau of Prisons—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1636	Release of Information	1120-AA96
1637	Drug Abuse Treatment Program: Subpart Revision and Clarification	1120-AB07
1638	Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal	1120-AB12
1639	Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the DC Code	1120-AB13
1640	Inmate Discipline—Subpart Revision	1120-AB18
1641	Administrative Safeguards for Psychiatric Treatment and Medication	1120-AB20

Bureau of Prisons—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1642	Intensive Confinement Centers	1120-AA11
1643	Postsecondary Education Programs	1120-AA25
1644	Literacy Program	1120-AA33
1645	Telephone Regulations and Inmate Financial Responsibility	1120-AA39
1646	Telephone Regulations and Inmate Financial Responsibility	1120-AA49
1647	Good Conduct Time	1120-AA62
1648	Designation of Offenses Subject to Sex Offender Release Notification	1120-AA85
1649	Inmate Commissary Account Deposit Procedures	1120-AA86
1650	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives	1120-AA88
1651	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices	1120-AA90
1652	Occupational Educational Programs	1120-AA92
1653	Drug Testing Program	1120-AA95
1654	Correspondence: Inspection of Outgoing General Correspondence	1120-AA98
1655	Release Gratuities, Transportation, and Clothing: Aliens	1120-AA99
1656	Infectious Disease Management	1120-AB03
1657	Religious Beliefs and Practices: Nomenclature Change	1120-AB04
1658	District of Columbia Educational Good Time Credit	1120-AB05
1659	Suicide Prevention Program	1120-AB06
1660	National Security; Prevention of Acts of Violence and Terrorism	1120-AB08
1661	District of Columbia Youth Rehabilitation Act (DCYRA) Sentences: No Further Benefit Determinations	1120-AB09
1662	Inmate Fees for Health Care Services	1120-AB11
1663	Central Inmate Monitoring (CIM) System: Streamlining Rules	1120-AB14
1664	Comments on UNICOR Business Operations: Clarification of Addresses	1120-AB15
1665	Admission and Orientation Program: Removal From Rules	1120-AB16

DOJ

Bureau of Prisons—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1666	Bureau of Prisons Emergencies	1120-AB17
1667	Clarifying of Release Gratuities—Release Transportation Regulations To More Closely Conform to Statutory Provisions	1120-AB21

Bureau of Prisons—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1668	Over-the-Counter (OTC) Medications	1120-AA81

Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identification Number
1669	Volunteer Community Service Projects	1120-AA03
1670	Incoming Publications	1120-AA15
1671	Incoming Publications: Nudity and Sexually Explicit Material or Information	1120-AA59
1672	Visiting Regulations: Prior Relationship	1120-AA77

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1673	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (Section 610 Review)	1190-AA44
1674	Nondiscrimination on the Basis of Disability in State and Local Government Services (Section 610 Review)	1190-AA46
1675	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards; Recreation Facilities	1190-AA47
1676	American Competitiveness and Workforce Improvement Act of 1998 Complaint Process	1190-AA48
1677	Nondiscrimination on the Basis of Disability in State or Local Government Facilities; Public Accommodations and Commercial Facilities; Accessibility Standards; Play Areas	1190-AA50
1678	Amendments to Procedures Advising States and Political Subdivisions Specially Covered Under the Voting Rights Act How To Seek Preclearance From the Attorney General of Proposed Voting Changes	1190-AA51
1679	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs; Implementation of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act 1973	1190-AA52
1680	Procedures To Review Police Departments for a Pattern or Practice of Conduct That Deprives Persons of Rights, Privileges, or Immunities Secured or Protected by the Constitution or Laws of the U.S.	1190-AA53

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1681	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	1190-AA49

DOJ

Bureau of Alcohol, Tobacco, Firearms, and Explosives—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1682	27 CFR 178 Implementation of Pub. L. 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY 1999, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act	1140-AA07
1683	27 CFR 178 Implementation of Public Law 105-277 Relating to Secure Gun Storage	1140-AA10

Bureau of Alcohol, Tobacco, Firearms, and Explosives—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1684	Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107-296	1140-AA00
1685	27 CFR 55 Commerce in Explosives (Including Explosives in the Fireworks Industry) (Rulemaking Resulting From a Section 610 Review)	1140-AA01
1686	27 CFR Part 55 Identification Markings Placed on Explosive Materials	1140-AA02
1687	27 CFR 55 Commerce in Explosives—Explosive Pest Control Devices	1140-AA03
1688	27 CFR 178 Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997)	1140-AA04
1689	27 CFR 178 Residency Requirement for Persons Acquiring Firearms	1140-AA05
1690	27 CFR 55 Implementation of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997, Relating to the Establishment of a National Repository for Arson and Explosives Information	1140-AA06
1691	27 CFR 178 Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY '99, Relating to Firearms Disabilities for Nonimmigrant Aliens	1140-AA08
1692	27 CFR 178 Commerce in Firearms and Ammunition—Annual Inventory	1140-AA09

Bureau of Alcohol, Tobacco, Firearms, and Explosives—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
1140-AA13	27 CFR 47 Commerce in Firearms and Ammunition; Recodification of Regulations (2002R-013P)	01/24/2003	Withdrawn--Moot because of ATF transfer to DOJ.
1140-AA14	27 CFR 47 Machine Guns, Destructive Devices, and Certain Other Firearms; Recodification of Regulations	01/24/2003	Withdrawn--Moot because of ATF transfer to DOJ.
1140-AA17	27 CFR 55 Delegation of Authority in 27 CFR Part 55—Commerce in Explosives	01/24/2003	Withdrawn--Moot because of ATF transfer to DOJ.

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1693	Guidelines for Providing Controlled Substances to Ocean Vessels	1117-AA40
1694	Sale by Federal Departments or Agencies of Chemicals Usable To Manufacture a Controlled Substance	1117-AA47
1695	Exemption From Import/Export Requirements for Personal Medical Use	1117-AA56
1696	Electronic Orders for Schedule I and II Controlled Substances	1117-AA60
1697	Electronic Prescriptions for Controlled Substances	1117-AA61
1698	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine	1117-AA62
1699	Reorganization and Clarification of DEA Regulations	1117-AA63
1700	Chemical Mixtures Containing Listed Forms of Phosphorus	1117-AA66
1701	Chemical Registration Waivers; Exemption From Chemical Registration Fees for Certain Persons	1117-AA67
1702	Authority for Practitioners To Dispense or Prescribe Approved Narcotic (Opioid) Substances for Maintenance or Detoxification Treatment	1117-AA68
1703	Recordkeeping and Reporting Requirements for Drug Products Containing Gamma Hydroxybutyric Acid (GHB)	1117-AA71
1704	Chemical Registration and Reregistration Fees	1117-AA72
1705	Reports by Registrants of Theft or Significant Loss of Controlled Substances	1117-AA73
1706	Preventing the Accumulation of Surplus Controlled Substances at Long-Term Care Facilities	1117-AA75

DOJ

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1707	Definition and Registration of Reverse Distributors	1117-AA19
1708	Exemption of Chemical Mixtures	1117-AA31
1709	Chemical Registration and Reregistration Fees	1117-AA50
1710	Placement of Gamma-Butyrolactone in List I of the Controlled Substances Act (21 U.S.C. 802)	1117-AA52
1711	Control of Red Phosphorus, White Phosphorus, and Hypophosphorous Acid (and Its Salts) as List I Chemicals	1117-AA57
1712	Allowing Central Fill Pharmacies To Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies	1117-AA58
1713	Chemical Mixtures Containing Gamma-Butyrolactone	1117-AA64
1714	Implementation of the Methamphetamine Anti-Proliferation Act: Thresholds for Retailers and for Distributors Re- quired To Submit Reports Under 21 U.S.C. 830(b)(3); Changes to Mail Order Reporting	1117-AA69
1715	Controlled Substances Registration and Reregistration Application Fees	1117-AA70

Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1716	Industrial Use of Products and Materials Derived From Cannabis Plants	1117-AA55
1717	Correction to Code of Federal Regulations	1117-AA74

Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1718	Authority of Immigration Judges To Issue Civil Money Penalties	1125-AA18
1719	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children	1125-AA35
1720	Executive Office for Immigration Review Attorney/Representative Registry	1125-AA39
1721	Review of an Arbitrator's Findings and Imposing Remedies Against Employers Hiring H-1B Visa Workers Over Equally or Better Qualified U.S. Workers	1125-AA40

Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1722	Suspension of Deportation and Cancellation of Removal	1125-AA25
1723	Authorities Delegated to the Director of the Executive Office for Immigration Review	1125-AA27
1724	Motions To Reopen for Suspension of Deportation and Special Rule Cancellation of Removal Pursuant to Section 1505(c) of the LIFE Act Amendments	1125-AA31
1725	Section 212(c) Relief for Aliens With Certain Criminal Convictions Before April 1, 1997	1125-AA33
1726	Protective Orders in Immigration Administration Proceedings	1125-AA38
1727	Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer	1125-AA41

Executive Office for Immigration Review—Completed Actions

Sequence Number	Title	Regulation Identification Number
1728	Reorganization of Title 8, Code of Federal Regulations	1125-AA42

DOJ

Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1729	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act	1110-AA00
1730	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)	1110-AA01
1731	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act	1110-AA04
1732	National Instant Criminal Background Check System	1110-AA07
1733	Claims of Exemptions From Provisions of the Privacy Act as to FBI Records	1110-AA08
1734	Final Notice of Capacity; Supplement To Respond to Remand (Section 610 Review)	1110-AA10

Immigration and Naturalization Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
1115-AB45	Revised Grounds of Inadmissibility, Exceptions, and Waivers for Immigrants and Nonimmigrants, and Exceptions	02/28/2003	Transferred to RIN 1615-AA00
1115-AB73	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements (Section 610 Review)	02/28/2003	Transferred to RIN 1615-AA01
1115-AB93	Visa Waiver Program	02/28/2003	Transferred to RIN 1651-AA00
1115-AC70	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s	02/28/2003	Transferred to RIN 1615-AA02
1115-AD82	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program	02/28/2003	Transferred to RIN 1651-AA01
1115-AD86	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses	02/28/2003	Transferred to RIN 1653-AA00
1115-AD96	Establishing Criteria for Determining Countries Whose Citizens Are Ineligible for the Transit Without Visa (TWOV) Program	02/28/2003	Transferred to RIN 1651-AA02
1115-AE04	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children	02/28/2003	Transferred to RIN 1615-AA03
1115-AE17	Conditions on Nonimmigrant Status; Disclosure of Information	03/04/2003	Transferred to RIN 1615-AA98
1115-AE21	Employer Sanctions Modifications	02/28/2003	Transferred to RIN 1653-AA01
1115-AE26	Regulations Relating to Temporary Protected Status	02/28/2003	Transferred to RIN 1615-AA04
1115-AE37	Inspection of Persons Applying for Admission; International-to-International User Fee	02/28/2003	Transferred to RIN 1651-AA03
1115-AE47	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings	02/28/2003	Transferred to RIN 1651-AA04
1115-AE50	Agreement Promising Non-Deportation or Other Immigration Benefits	02/28/2003	Transferred to RIN 1653-AA02
1115-AE51	Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits	02/28/2003	Transferred to RIN 1615-AA05
1115-AE58	Affidavit of Support on Behalf of Immigrants	02/28/2003	Transferred to RIN 1615-AA06
1115-AE59	Suspension of Privilege To Transport Aliens to the United States	02/28/2003	Transferred to RIN 1651-AA05
1115-AE60	Filing Factual Statements About Alien Prostitutes	02/28/2003	Transferred to RIN 1653-AA03
1115-AE67	Employment Verification by Employers That Are Members of a Multi-Employer Association	02/28/2003	Transferred to RIN 1615-AA07
1115-AE68	Use of Parole for Humanitarian Reasons or Significant Public Benefit	02/28/2003	Transferred to RIN 1653-AA04
1115-AE70	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements	02/28/2003	Transferred to RIN 1615-AA08
1115-AE72	Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization	02/28/2003	Transferred to RIN 1615-AA09
1115-AE73	Certification of Certain Health Care Workers	02/28/2003	Transferred to RIN 1615-AA10
1115-AE77	International Matchmaking Organizations	02/28/2003	Transferred to RIN 1615-AA11
1115-AE80	Establishment of Preinspected Automated Lane (PAL) Program at Immigration and Naturalization Service	02/28/2003	Transferred to RIN 1651-AA06
1115-AE82	Requiring Aliens Ordered Removed From the United States To Surrender to the Immigration and Naturalization Service for Removal	02/28/2003	Transferred to RIN 1653-AA05
1115-AE83	Early Release for Removal of Criminal Aliens in State Custody for Non-violent Offenses	02/28/2003	Transferred to RIN 1653-AA06
1115-AE87	Amendment of the Regulatory Definition of Arriving Alien	02/28/2003	Transferred to RIN 1651-AA07

DOJ

Immigration and Naturalization Service—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date	Comments
1115-AE96	Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	02/28/2003	Transferred to RIN 1615-AA12
1115-AE99	Verification of Eligibility for Public Benefits	02/28/2003	Transferred to RIN 1615-AA13
1115-AF03	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Service	02/28/2003	Transferred to RIN 1615-AA14
1115-AF05	Processing, Detention, and Release of Juveniles	04/10/2003	Transferred to RIN 1653-AA22
1115-AF11	Special Immigrant Juvenile Petitions	02/28/2003	Transferred to RIN 1615-AA15
1115-AF12	Immigrant and Nonimmigrant; Religious Workers	02/28/2003	Transferred to RIN 1615-AA16
1115-AF14	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries	02/28/2003	Transferred to RIN 1615-AA17
1115-AF15	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	03/04/2003	Transferred to RIN 1615-AA99
1115-AF24	Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards	02/28/2003	Transferred to RIN 1651-AA08
1115-AF26	Documentary Requirements for Returning Residents	02/28/2003	Transferred to RIN 1651-AA09
1115-AF27	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program	03/04/2003	Transferred to RIN 1615-AB00
1115-AF28	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, United States Virgin Islands	03/04/2003	Transferred to RIN 1651-AA29
1115-AF32	Availability of Material Under Freedom of Information Act and Privacy Act	02/28/2003	Transferred to RIN 1680-AA00
1115-AF38	Dismissal of Asylum Application for Unexcused Failure To Appear and Effect on Eligibility for Employment Authorization	02/28/2003	Transferred to RIN 1615-AA18
1115-AF39	Regulations Concerning the Convention Against Torture	02/28/2003	Transferred to RIN 1615-AA19
1115-AF42	Interim Designation of Acceptable Receipts for Employment Eligibility Verification	02/28/2003	Transferred to RIN 1615-AA20
1115-AF44	Special Immigrant Status for Certain NATO Civilian Employees	02/28/2003	Transferred to RIN 1615-AA21
1115-AF45	Inadmissibility and Deportability on Public Charge Grounds	02/28/2003	Transferred to RIN 1615-AA22
1115-AF46	Contracts With Transportation Lines	02/28/2003	Transferred to RIN 1651-AA10
1115-AF48	Adjustment of Status Under the 1966 Cuban Adjustment Act	02/28/2003	Transferred to RIN 1615-AA23
1115-AF49	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation	02/28/2003	Transferred to RIN 1615-AA24
1115-AF50	Expansion of Expedited Removal of Certain Criminal Aliens Held in Federal, State, and Local Jails	02/28/2003	Transferred to RIN 1653-AA07
1115-AF51	Nonimmigrant Classes: Q-2 Irish Peace Process Cultural and Training Program Visitor	02/28/2003	Transferred to RIN 1615-AA25
1115-AF53	Clarification of Parole Authority	02/28/2003	Transferred to RIN 1615-AA26
1115-AF54	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	02/28/2003	Transferred to RIN 1615-AA27
1115-AF56	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	02/28/2003	Transferred to RIN 1653-AA23
1115-AF59	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents	02/28/2003	Transferred to RIN 1615-AA29
1115-AF60	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry	02/28/2003	Transferred to RIN 1651-AA11
1115-AF63	Revoking Grants of Naturalization	02/28/2003	Transferred to RIN 1615-AA30
1115-AF65	Entry Requirements for Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau	02/28/2003	Transferred to RIN 1615-AA31
1115-AF69	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation	02/28/2003	Transferred to RIN 1615-AA32
1115-AF70	Imposition of Fines for Violations of the Immigration and Nationality Act	02/28/2003	Transferred to RIN 1651-AA12
1115-AF71	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens	02/28/2003	Transferred to RIN 1615-AA33
1115-AF75	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities	02/28/2003	Transferred to RIN 1615-AA34

DOJ

Immigration and Naturalization Service—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date	Comments
1115-AF76	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95	02/28/2003	Transferred to RIN 1615-AA35
1115-AF77	Expansion of Dedicated Commuter Lanes; Clarification of Driver's License Requirement for Applicants to Dedicated Commuter Lanes and Automated Permit Port Programs	02/28/2003	Transferred to RIN 1651-AA13
1115-AF80	Waiving the Fingerprinting Requirement for Certain Disabled Naturalization Applicants	02/28/2003	Transferred to RIN 1615-AA36
1115-AF81	Update of List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	02/28/2003	Transferred to RIN 1651-AA14
1115-AF84	Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coercive Population Control Measures	02/28/2003	Transferred to RIN 1615-AA37
1115-AF85	Adding Actuaries and Plant Pathologists to the North American Free Trade Agreement	02/28/2003	Transferred to RIN 1615-AA38
1115-AF87	Power of Attorney General To Terminate Deportation Proceedings and Initiate Removal Proceedings	02/28/2003	Transferred to RIN 1653-AA08
1115-AF88	Establishment of Fee for Processing Genealogical Research Requests for INS Records	02/28/2003	Transferred to RIN 1680-AA01
1115-AF90	Employment Authorization for Certificate of Citizenship Applicants	02/28/2003	Transferred to RIN 1615-AA39
1115-AF91	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility	02/28/2003	Transferred to RIN 1615-AA40
1115-AF92	Asylum and Withholding Definitions	02/28/2003	Transferred to RIN 1615-AA41
1115-AF94	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence	02/28/2003	Transferred to RIN 1615-AA42
1115-AF96	Intercountry Adoptions	02/28/2003	Transferred to RIN 1615-AA43
1115-AF97	Academic Honorarium for B Nonimmigrant Aliens	02/28/2003	Transferred to RIN 1615-AA44
1115-AF98	Children Born Outside the United States; Applications for Certificate of Citizenship	02/28/2003	Transferred to RIN 1615-AA45
1115-AG00	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances	02/28/2003	Transferred to RIN 1615-AA46
1115-AG01	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters	02/28/2003	Transferred to RIN 1615-AA47
1115-AG02	Waiver of Fees	02/28/2003	Transferred to RIN 1615-AA48
1115-AG03	Establishing Premium Processing Service for Employment-Based Petitions and Applications	02/28/2003	Transferred to RIN 1615-AA49
1115-AG04	Adoption of Siblings, Adopted Alien Children Less Than 18 Years of Age Considered a "Child"	02/28/2003	Transferred to RIN 1615-AA50
1115-AG05	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti	02/28/2003	Transferred to RIN 1615-AA51
1115-AG06	Adjustment to Lawful Resident Status of Certain Class Action Participants Who Entered Before January 1, 1982, Under the Legal Immigration and Family Equity Act (LIFE Act)	02/28/2003	Transferred to RIN 1615-AA52
1115-AG07	Procedures for Checking Juvenile Criminal Records and Submitting Fingerprints of That Additional Class of Aliens Ineligible for Family Unity	03/04/2003	Transferred to RIN 1615-AB01
1115-AG08	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification	02/28/2003	Transferred to RIN 1615-AA53
1115-AG10	Adjustment of Status Under Section 245(k)	02/28/2003	Transferred to RIN 1615-AA54
1115-AG11	Implementation of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), the American Competitiveness in the Twenty-First Century Act of 2000 (AC21), and Other Related Bills	02/28/2003	Transferred to RIN 1615-AA55
1115-AG12	K Nonimmigrant Classification, Legal Immigration Family Equity Act (LIFE)	02/28/2003	Transferred to RIN 1615-AA56
1115-AG13	Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States	02/28/2003	Transferred to RIN 1615-AA57
1115-AG14	Adjustment of Status of Certain Aliens From Vietnam, Cambodia, and Laos in the United States	03/04/2003	Transferred to RIN 1615-AB02
1115-AG15	Construction Work and the B Nonimmigrant Visa Classification	02/28/2003	Transferred to RIN 1615-AA58
1115-AG16	Adding Colombia to the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	02/28/2003	Transferred to RIN 1651-AA15

DOJ

Immigration and Naturalization Service—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date	Comments
1115-AG18	Adjustment of Fees for Dedicated Commuter Lanes and Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Programs at Land Border Ports of Entry	02/28/2003	Transferred to RIN 1651-AA16
1115-AG19	New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status	02/28/2003	Transferred to RIN 1615-AA59
1115-AG20	Protection and Assistance for Victims of Trafficking	02/28/2003	Transferred to RIN 1653-AA09
1115-AG21	Removal and Adjustment Procedures for Victims of Trafficking and Certain Criminal Activities	02/28/2003	Transferred to RIN 1615-AA60
1115-AG22	Increasing the Number of Officers Authorized To Issue Notices To Appear and Arrest Warrants for Immigration Violations	02/28/2003	Transferred to RIN 1653-AA10
1115-AG24	Definitions of Notice To Appear and Arrest Warrant	02/28/2003	Transferred to RIN 1653-AA11
1115-AG25	Visa Waiver Program: Guam Visa Waiver Program	02/28/2003	Transferred to RIN 1651-AA17
1115-AG26	Procedures for Detainee Hunger Strikes	02/28/2003	Transferred to RIN 1653-AA12
1115-AG27	Removing Russia From the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	02/28/2003	Transferred to RIN 1651-AA18
1115-AG28	Consent To Reapply for Admission After Removal	02/28/2003	Transferred to RIN 1615-AA61
1115-AG29	Detention of Aliens Subject to Final Orders of Removal	02/28/2003	Transferred to RIN 1653-AA13
1115-AG30	Restricting Citizens of Bangladesh, India, Pakistan, and Sri Lanka From Participation in the International-to-International (ITI) Program	02/28/2003	Transferred to RIN 1651-AA19
1115-AG31	Waivers of the 2-Year Foreign Residence Requirement for Certain Exchange Visitors	02/28/2003	Transferred to RIN 1615-AA62
1115-AG32	Extension of the Validity Period for Employment Authorization Documents for Aliens Seeking Adjustment of Status	02/28/2003	Transferred to RIN 1615-AA63
1115-AG33	Allowing Citizens and Nationals of the People's Republic of China Limited Transit Without Visa (TWOV) Privileges at TWOV-Designated Alaska International Airports	02/28/2003	Transferred to RIN 1651-AA20
1115-AG36	Illegal Entries, Unlawful Presence, and Automatic Voiding of Nonimmigrant Visas	02/28/2003	Transferred to RIN 1615-AA64
1115-AG37	Medical Examination Requirements and Designation of Civil Surgeons	02/28/2003	Transferred to RIN 1615-AA65
1115-AG38	Medical Grounds of Inadmissibility and Waivers	02/28/2003	Transferred to RIN 1615-AA66
1115-AG39	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status	02/28/2003	Transferred to RIN 1615-AA67
1115-AG40	Custody Procedures	02/28/2003	Transferred to RIN 1653-AA14
1115-AG43	Limiting the Period of Admission for B Nonimmigrant Aliens	02/28/2003	Transferred to RIN 1615-AA68
1115-AG44	Documentary Requirements for Certain Temporary Residents	02/28/2003	Transferred to RIN 1615-AA69
1115-AG47	Establishment of a \$3 Immigration User Fee for Certain Commercial Vessel Passengers Previously Exempt	03/04/2003	Transferred to RIN 1651-AA30
1115-AG48	Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible	02/28/2003	Transferred to RIN 1615-AA70
1115-AG49	Judicial Review of the Decisions of the Immigration and Naturalization Service	02/28/2003	Transferred to RIN 1615-AA71
1115-AG52	Adding and Removing Institutions To and From the List of Recognized American Institutions of Research	02/28/2003	Transferred to RIN 1615-AA72
1115-AG55	Revision of the Regulations Concerning F, J, and M Nonimmigrant Classifications	03/04/2003	Transferred to RIN 1653-AA24
1115-AG57	Carrier Arrival and Departure Electronic Manifest Requirements	02/28/2003	Transferred to RIN 1651-AA21
1115-AG59	Limiting the Number of Transit Without Visa (TWOV) Stops in the United States to One	02/28/2003	Transferred to RIN 1651-AA22
1115-AG60	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study	02/28/2003	Transferred to RIN 1615-AA73
1115-AG61	Address Notification To Be Filed With Designated Applications	02/28/2003	Transferred to RIN 1653-AA15
1115-AG62	Reengineering of Part 214, Nonimmigrant Classes To Clarify and Restate Admission Requirements	02/28/2003	Transferred to RIN 1615-AA74
1115-AG63	Waivers for Nonimmigrants Under Section 212(d)(3)(A) of the Immigration and Nationality Act	02/28/2003	Transferred to RIN 1615-AA75
1115-AG64	Termination of Lawful Permanent Resident Status Through Abandonment	02/28/2003	Transferred to RIN 1615-AA76
1115-AG65	Strengthening Control Over Immigration Surety Bonds	02/28/2003	Transferred to RIN 1653-AA16

DOJ

Immigration and Naturalization Service—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date	Comments
1115-AG66	Establishing San Bernardino, Santa Ana, and Ventura Suboffices Under the Jurisdiction of the Los Angeles District Office	02/28/2003	Transferred to RIN 1653-AA17
1115-AG67	Release of Information Regarding Immigration and Naturalization Service Detainees in Non-Federal Facilities	03/04/2003	Transferred to RIN 1653-AA21
1115-AG68	Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda	02/28/2003	Transferred to RIN 1651-AA23
1115-AG71	Requiring Recertification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	02/28/2003	Transferred to RIN 1615-AA77
1115-AG72	Posting of Security Guard at Gangway of Vessel for Detaining Alien Crewman	02/28/2003	Transferred to RIN 1651-AA24
1115-AG73	Electronic Arrival-Departure Manifest for Visa Waiver Program	02/28/2003	Transferred to RIN 1651-AA25
1115-AG74	Registration Requirements and Work Authorization Eligibility for Aliens in the United States	02/28/2003	Transferred to RIN 1615-AA78
1115-AG75	Reduced Course Load for Certain F and M Nonimmigrant Students at Border Communities	02/28/2003	Transferred to RIN 1615-AA79
1115-AG76	Limiting the Use of Duration of Status for Certain F, J, and I Nonimmigrants	02/28/2003	Transferred to RIN 1615-AA80
1115-AG77	Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities	02/28/2003	Transferred to RIN 1615-AA81
1115-AG78	Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B)	02/28/2003	Transferred to RIN 1615-AA82
1115-AG79	Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits	02/28/2003	Transferred to RIN 1615-AA83
1115-AG82	Adjustment of the Immigration Benefit Application Fee Schedule To Recover Costs Associated With Additional Security Checks	02/28/2003	Transferred to RIN 1615-AA84

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1735	Motor Vehicle Salvage Regulations	1105-AA71

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1736	Foreign Agents Registration Act; Regulations Revised and Clarified To Reflect Changes in the Law	1105-AA45
1737	Certification and Decertification in Connection With Certain Suits Based Upon Acts or Omissions of Federal Employees and Other Persons	1105-AA62
1738	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act	1105-AA65
1739	Ethical Standards for Attorneys for the Government	1105-AA67
1740	Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Amendments Contained in the Department of Justice Appropriations Authorization Act of 2002	1105-AA75
1741	DNA Sampling of Federal Offenders Under the USA Patriot Act of 2001	1105-AA78
1742	Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States	1105-AA82

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1743	Waiver for Firearm Prohibition on Nonimmigrant Visa Holders	1105-AA66

DOJ

Legal Activities—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
1744	Enhanced Notice and Release Procedures for Owners of Seized Property Pursuant to the CAFRA of 2000; Disposition of Seized Property Too Costly To Maintain; Consolidation of Department Regulations	1105-AA74

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identification Number
1745	Establishment of Minimum Safety and Security Standards for Private Companies That Transport Violent Prisoners	1105-AA77
1746	Screening of Aliens and Other Designated Individuals Seeking Flight Training	1105-AA80
1747	Guidelines for the Campus Sex Crimes Prevention Act Amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act	1105-AA81

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1748	Correctional Facilities on Tribal Lands Grant Program	1121-AA41
1749	Public Safety Officers' Benefits Program	1121-AA56
1750	Criminal Intelligence Systems Operating Policies	1121-AA59
1751	Victims of Crime Act (VOCA) Program Regulations for the Victim Compensation Grant Program and Victim Assistance Program	1121-AA61
1752	International Terrorism Victim Compensation Program	1121-AA63

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1753	Bulletproof Vest Partnership Grant Acts of 1998 and 2000	1121-AA48
1754	Environmental Impact Review Procedures for the VOI/TIS Grant Program	1121-AA52

Office of Justice Programs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1755	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	1121-AA57

Office of Justice Programs—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
1121-AA64	Violence Against Women Grant Programs	03/10/2003	Withdrawn

Department of Justice (DOJ)
Bureau of Prisons (BOP)

Proposed Rule Stage

1636. RELEASE OF INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 5 USC 552a; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 31 USC 3711(f)

CFR Citation: 28 CFR 513

Legal Deadline: None

Abstract: This document revises Bureau regulations implementing the Freedom of Information Act and the Privacy Act in order to simplify the procedures and to eliminate unnecessary regulatory text.

Timetable:

Action	Date
NPRM	06/00/03
NPRM Comment Period End	08/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
 Phone: 202 307-2105
 Fax: 202 305-4577
 Email: squreshi@bop.gov

RIN: 1120-AA96

1637. DRUG ABUSE TREATMENT PROGRAM: SUBPART REVISION AND CLARIFICATION

Priority: Info./Admin./Other

Legal Authority: 18 USC 3521 to 3528, 4042, 4046, 4081, 4082, 5006 to 5024, 5039; 28 USC 848, 509, 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; ...

CFR Citation: 28 CFR 550

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons proposes to amend its regulations on the drug abuse treatment program. We intend this amendment to streamline and clarify these regulations, eliminating unnecessary text and obsolete language, and removing internal agency procedures that need not be in rules text.

Timetable:

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
 Phone: 202 307-2105
 Fax: 202 305-4577
 Email: squreshi@bop.gov

RIN: 1120-AB07

1638. GOOD CONDUCT TIME: ALIENS WITH CONFIRMED ORDERS OF DEPORTATION, EXCLUSION, OR REMOVAL

Priority: Substantive, Nonsignificant

Legal Authority: 28 USC 509 to 510; 5 USC 301; 18 USC 3621 to 3622, 3568, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039

CFR Citation: 28 CFR 523.20

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to amend its rules in 28 CFR part 523 on Good Conduct Time (GCT). When considering GCT, we propose to allow 54 days GCT for each year served if the inmate is an alien with a confirmed order of deportation, exclusion, or removal from the Immigration and Naturalization Service (INS).

This proposed rule will exempt such inmate aliens from the "satisfactory progress in a literacy program" provision of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) and/or the Prison Litigation Reform Act of 1995 (PLRA). The Bureau's Literacy Program, described in 28 CFR part 544, subpart H, currently comprises only GED attainment.

This means that inmate aliens who have confirmed orders of deportation, exclusion, or removal, but do not have a high school diploma or GED, will not need to demonstrate satisfactory progress toward earning a GED credential to be considered for the full benefits of GCT.

In this document, we also propose to reorganize the rule for clarity and accuracy. Other than the substantive change regarding sentenced deportable aliens, we make no further substantive changes.

Timetable:

Action	Date
NPRM	05/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
 Phone: 202 307-2105
 Fax: 202 305-4577
 Email: squreshi@bop.gov

RIN: 1120-AB12

1639. CIVIL CONTEMPT OF COURT COMMITMENTS: REVISION TO ACCOMMODATE COMMITMENTS UNDER THE DC CODE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 3568, 3585, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510; DC Code 24-101(a) and (b)

CFR Citation: 28 CFR 522

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) revises its rules on Civil Contempt of Court Commitments to include references to relevant DC Code provisions regarding civil contempt commitments. We make this revision to accommodate DC Code offenders in Bureau institutions or Bureau contract facilities under the National Capital Revitalization and Self-Government Improvement Act of 1997 (DC Revitalization Act), DC Code section 24-101(a) and (b). We also revise this rule to clarify existing provisions by using simpler organization and language. For further simplification, we remove language relating solely to internal agency practices and procedures. We do not, however, make any substantive changes to the current rules.

DOJ—BOP

Proposed Rule Stage

Timetable:

Action	Date
NPRM	08/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AB13**1640. INMATE DISCIPLINE—SUBPART REVISION****Priority:** Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 541**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to amend its Inmate Discipline and Special Housing Unit (SHU) regulations. We intend this amendment to streamline and clarify these regulations, eliminating unnecessary text and obsolete language and removing internal agency procedures (guidance to staff on how to implement disciplinary processes) that need not be in rules text. The changes involve extensive reorganization and updates to obsolete

and unnecessary disciplinary codes and processes.

Timetable:

Action	Date
NPRM	06/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AB18**1641. ADMINISTRATIVE SAFEGUARDS FOR PSYCHIATRIC TREATMENT AND MEDICATION****Priority:** Other Significant

Legal Authority: 5 USC 301; 10 USC 876b; 18 USC 3621, 3622, 3524, 4001, 4005, 4042, 4045, 4081, 4082; 18 USC 4241 to 4247, 5006 to 5024, 5039; 28 USC 509, 510

CFR Citation: 28 CFR 549**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) amends its regulations on Psychiatric Treatment and Medication. We make several minor word changes to conform more closely with the language of 18 U.S.C. sections 4241 to 4247 on psychiatric hospitalization. We remove from the rule one element of the standard for

determining whether treatment or psychotropic medication is necessary because this element is inconsistent with community standards and case law. We also change the rules to conform with statutory authority regarding military prisoners and District of Columbia (DC) Code violators in Bureau custody. Previously, our procedures for involuntary psychiatric treatment and medication did not apply to military prisoners or DC Code violators. Under new statutory authority, military prisoners who are incompetent to stand trial, or who have been found not guilty by reason of lack of mental responsibility may now be committed to the Bureau's custody. Sentenced DC Code offenders may now be involuntarily committed to a Bureau psychiatric hospital. Such military prisoners and DC Code violators are subject to our regulations. We revise the applicability statement accordingly.

Timetable:

Action	Date
NPRM	08/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AB20**Department of Justice (DOJ)****Bureau of Prisons (BOP)****Final Rule Stage****1642. INTENSIVE CONFINEMENT CENTERS****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 524.31 to 524.34**Legal Deadline:** None

Abstract: This document finalizes procedures for the operation of a specialized program combining features

of a military boot camp with the traditional correctional values of the Bureau of Prisons. Inmates who successfully complete this program may be placed in community-based programs for longer periods of time than ordinarily permitted.

Timetable:

Action	Date
Interim Final Rule	04/26/96 61 FR 18658
Interim Final Rule Effective	05/28/96

Action	Date
Interim Final Rule Comment Period End	06/25/96
Final Action	10/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First

DOJ—BOP

Final Rule Stage

Street NW, HOLC Building,
Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: sqareshi@bop.gov

RIN: 1120-AA11

1643. POSTSECONDARY EDUCATION PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 544

Legal Deadline: None

Abstract: This document revises the Bureau's regulations on postsecondary education to exclude courses which are offered as part of an occupational education program. Courses which are offered as part of an occupational education program are to be covered by the Bureau's regulations on occupational education. The inmate is consequently responsible for paying postsecondary education tuition costs either through personal funds, community resources, or scholarships available to the inmate. This revision is intended to simplify the organization of the Bureau's regulations.

Timetable:

Action	Date
NPRM	07/17/00 65 FR 44400
NPRM Comment Period End	09/15/00
Final Action	08/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: sqareshi@bop.gov

RIN: 1120-AA25

1644. LITERACY PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC

4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 544.70 to 544.76

Legal Deadline: None

Abstract: This document makes changes to the Bureau's literacy program regulations for the sake of clarification or simplification.

Timetable:

Action	Date
Interim Final Rule	09/26/97 62 FR 50791
Interim Final Rule Effective	11/03/97
Interim Final Rule Comment Period End	11/25/97
Final Action	09/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: sqareshi@bop.gov

RIN: 1120-AA33

1645. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 540

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) is withdrawing certain provisions in its rules on telephone regulations and on the inmate financial responsibility program (IFRP) which were published in the Federal Register on April 4, 1994 (59 FR 15812).

In the April 4, 1994, revision of its rules on telephone regulations and on the IFRP, the Bureau delayed the effective date for provisions in sections 540.105(c) and 545.11(d)(10) which imposed limitations on the telephone privileges of inmates refusing to participate in the IFRP. These provisions were to become effective

January 3, 1995. Due to ongoing litigation in Washington v. Reno, the effective date for these provisions was further delayed until January 4, 1996 (60 FR 240).

In accordance with the Court-approved settlement in Washington v. Reno, through this rule, the Bureau withdrew these provisions and the reference to the IFRP telephone restrictions in 28 CFR section 540.100(a) and published at 61 FR 92 a new proposed rule to impose a different restriction on the telephone privileges of inmates who refuse to participate in the IFRP. This rule was finalized on December 28, 1999 (64 FR 72798, see RIN 1120-AA49).

Timetable:

Action	Date
Interim Final Rule	01/02/96 61 FR 90
Interim Final Rule Comment Period End	03/04/96
Final Action	10/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: sqareshi@bop.gov

RIN: 1120-AA39

1646. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 551; 18 USC 3663; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 5 USC 552a; 18 USC 1791; 18 USC 3013; 18 USC 3571; 18 USC 3572; 18 USC 3621; 18 USC 3622; 18 USC 3624

CFR Citation: 28 CFR 540.105; 28 CFR 545.11

Legal Deadline: None

Abstract: On January 2, 1996, BOP published an NPRM proposing limitations on telephone privileges and commissary privileges for inmates who refuse to participate in the inmate financial responsibility program (BOP

DOJ—BOP

Final Rule Stage

1050). On December 28, 1999, BOP finalized that portion of the NPRM pertaining to limitations on commissary privileges. BOP is continuing to work on addressing issues raised by its proposed limitations on telephone privileges for inmates who are inmate financial responsibility program refusees. BOP will finalize that portion of its January 1996 NPRM in a separate document (BOP 1102).

Timetable:**BOP 1050**

NPRM 01/02/96 (61 FR 92)
NPRM Comment Period End 03/04/96
Final Action 12/28/99 (64 FR 72798)
Final Action Effective 01/27/00

BOP 1102

Final Action 10/00/03
Final Action Effective 12/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: sqaureshi@bop.gov

RIN: 1120-AA49**1647. GOOD CONDUCT TIME****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3568; 28 USC 509 to 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 523**Legal Deadline:** None

Abstract: This document notes the statutory requirements for the awarding of good conduct time, including the Bureau's consideration in instances where the inmate does not have a high school diploma or GED and is not making satisfactory progress toward earning a high school diploma or GED.

Timetable:

Action	Date
Interim Final Rule	09/26/97 62 FR 50786
Interim Final Rule Effective	11/03/97

Action	Date
Interim Final Rule	11/25/97
Comment Period End	
Final Action	06/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: sqaureshi@bop.gov

RIN: 1120-AA62**1648. DESIGNATION OF OFFENSES SUBJECT TO SEX OFFENDER RELEASE NOTIFICATION****Priority:** Other Significant

Legal Authority: 18 USC 3565; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510; 18 USC 2568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218

CFR Citation: 28 CFR 571**Legal Deadline:** None

Abstract: This document designates various offenses as sexual offenses for purposes of 18 U.S.C. 4042(c). The designations ensure that notifications can be made for military offenders, for District of Columbia Code offenders, and for these and other Federal inmates with a sex offense in their criminal history.

Timetable:

Action	Date
Interim Final Rule	12/16/98 63 FR 69386
Interim Final Rule	02/16/99
Comment Period End	
Final Action	10/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105

Fax: 202 305-4577
Email: sqaureshi@bop.gov

RIN: 1120-AA85**1649. INMATE COMMISSARY ACCOUNT DEPOSIT PROCEDURES****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 509 to 510; 31 USC 725; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 506; 28 CFR 540.23; 28 CFR 540.51**Legal Deadline:** None

Abstract: This document specifies how an inmate may receive funds from family, friends, and other sources. Any funds sent from family or friends will be sent directly to a centralized inmate commissary account for receipt and posting. Funds received from other sources such as tax refunds, dividends from stocks, or State benefits will be forwarded for deposit to the centralized inmate commissary account.

Timetable:

Action	Date
NPRM	04/23/99 64 FR 20126
NPRM Comment Period End	06/22/99
Final Action	08/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: sqaureshi@bop.gov

RIN: 1120-AA86**1650. DRUG ABUSE TREATMENT PROGRAMS: DISINCENTIVES AND ENHANCED INCENTIVES****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3521 to 3528; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081; 18 USC 4082

DOJ—BOP

Final Rule Stage

CFR Citation: 28 CFR 550**Legal Deadline:** None

Abstract: This document broadens the eligibility criteria for the drug abuse education program. In addition, this document establishes disincentives which may be imposed for the purpose of encouraging inmates to participate in the residential drug treatment program.

Timetable:

Action	Date
NPRM	09/20/00 65 FR 56840
NPRM Comment Period End	11/20/00
Final Action	07/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AA88**1651. SEARCHES OF HOUSING UNITS, INMATES, INMATE WORK AREAS, AND PERSONS OTHER THAN INMATES: ELECTRONIC DEVICES****Priority:** Other Significant

Legal Authority: 18 USC 751 to 752; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 18 USC 1791 to 1793; 18 USC 3050; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4012; 18 USC 4042; 18 USC 4081 to 4082

CFR Citation: 28 CFR 511; 28 CFR 552**Legal Deadline:** None

Abstract: This document clarifies provisions in the Bureau's regulations which pertain to the use of electronic devices in searches of inmates and persons other than inmates.

Timetable:

Action	Date
NPRM	02/25/99 64 FR 9431
NPRM Comment Period End	04/26/99
Final Action	05/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AA90**1652. OCCUPATIONAL EDUCATIONAL PROGRAMS****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 544**Legal Deadline:** None

Abstract: This rule revises the Bureau's regulations on occupational educational programs to remove obsolete or redundant provisions.

Timetable:

Action	Date
NPRM	07/17/00 65 FR 44401
NPRM Comment Period End	09/15/00
Final Action	10/00/03

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AA92**1653. DRUG TESTING PROGRAM****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4251 to 4255; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 550**Legal Deadline:** None

Abstract: This document consolidates into a single drug testing program separately stated regulations on alcohol

testing and urine surveillance. The consolidated regulations provide for more flexibility in the use of testing methods.

Timetable:

Action	Date
NPRM	09/21/00 65 FR 57126
NPRM Comment Period End	11/20/00
Final Action	06/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AA95**1654. CORRESPONDENCE: INSPECTION OF OUTGOING GENERAL CORRESPONDENCE****Priority:** Other Significant

Legal Authority: 5 USC 551; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 540.14**Legal Deadline:** None

Abstract: This document amends the Bureau's regulations on correspondence to require that outgoing inmate general correspondence at all institutions may not be sealed and may be read and inspected by staff. This amendment is intended to provide for the continued efficient and secure operation of the institution and to protect the public. The requirement does not apply to special mail.

Timetable:

Action	Date
NPRM	07/27/99 64 FR 40718
NPRM Comment Period End	09/27/99
Final Action	05/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

DOJ—BOP

Final Rule Stage

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AA98

1655. RELEASE GRATUITIES, TRANSPORTATION, AND CLOTHING: ALIENS

Priority: Other Significant

Legal Authority: 18 USC 3565; 18 USC 3568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510

CFR Citation: 28 CFR 571.21

Legal Deadline: None

Abstract: This document amends the Bureau's regulations on release gratuities, transportation, and clothing to require that aliens being released to immigration authorities for the purpose of release, transfer to a community corrections center, or another processing center, be provided a \$10 gratuity. Aliens being released with an order of deportation, exclusion, or removal, or aliens detained or serving 60 days or less in contract facilities would not receive the gratuity.

Timetable:

Action	Date
NPRM	10/04/99 64 FR 53872
NPRM Comment Period End	12/03/99
Final Action	06/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AA99

1656. INFECTIOUS DISEASE MANAGEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; ...

CFR Citation: 28 CFR 549

Legal Deadline: None

Abstract: This document is a proposed rule (split from the interim final rule, RIN 1120-AA23) on the correctional management of tuberculosis, HIV, and hepatitis B. The changes to the regulations address the circumstances under which the Bureau conducts voluntary and involuntary testing.

Timetable:

Action	Date
NPRM	07/12/02 67 FR 46136
NPRM Comment Period End	09/10/02
Final Action	07/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AB03

1657. RELIGIOUS BELIEFS AND PRACTICES: NOMENCLATURE CHANGE

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 42 USC 1996; ...

CFR Citation: 28 CFR 548

Legal Deadline: None

Abstract: This regulation renames the special diet that accommodates inmates' religious dietary practices. The old name was "common fare" and the new name will be "the religious diet menu."

Timetable:

Action	Date
Interim Final Rule	05/00/03

Action	Date
Interim Final Rule Comment Period End	07/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AB04

1658. DISTRICT OF COLUMBIA EDUCATIONAL GOOD TIME CREDIT

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3568; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 523

Legal Deadline: None

Abstract: This rule establishes procedures for awarding educational good time credit consistent with the DC Code for DC Code offenders in Bureau institutions or Bureau contract facilities, under the National Capital Revitalization and Self-Government Improvement Act of 1997, who committed their offenses before August 5, 2000.

Timetable:

Action	Date
Interim Final Rule	07/24/02 67 FR 48385
Interim Final Rule Comment Period End	09/23/02
Final Action	08/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577

DOJ—BOP

Final Rule Stage

Email: sqareshi@bop.gov

RIN: 1120—AB05

1659. SUICIDE PREVENTION PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 552**Legal Deadline:** None

Abstract: This document revises Bureau regulations on the suicide prevention program for the sake of clarity and in order to remove Agency management procedures which do not need to be stated in regulations. The revised regulations more clearly delineate for the inmate the procedures used to identify and protect inmates deemed to be at risk for suicide.

Timetable:

Action	Date
NPRM	11/13/00 65 FR 67670
NPRM Comment Period End	01/12/01
Final Action	07/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqareshi@bop.gov

RIN: 1120—AB06

1660. NATIONAL SECURITY; PREVENTION OF ACTS OF VIOLENCE AND TERRORISM**Priority:** Other Significant**Legal Authority:** 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082, 4161 to 4166, 5006 to 5024; 18 USC 5039; 28 USC 509, 510**CFR Citation:** 28 CFR 500, 501**Legal Deadline:** None

Abstract: Current Bureau of Prisons regulations on institutional management authorize the Bureau to impose special administrative measures with respect to specified inmates, based

on information provided by senior intelligence or law enforcement officials, where it has been determined to be necessary to prevent the dissemination either of classified information that could endanger the national security or of other information that could lead to acts of violence and terrorism.

This rule extends the period of time for which such special administrative measures may be imposed from 120 days to up to 1 year and modifies the standards for approving extensions of such special administrative measures for further increments of time. In addition, in those cases where the Attorney General has certified that reasonable suspicion exists to believe that an inmate may use communications with attorneys or their agents to further or facilitate acts of violence or terrorism, this rule amends the existing regulations to provide that the Bureau is authorized to monitor mail or communications with attorneys in order to deter such acts, subject to specific procedural safeguards, to the extent permitted under the Constitution and laws of the United States. Finally, this rule provides that the head of each component of the Department of Justice that has custody of persons for whom special administrative measures are determined to be necessary may exercise the same authority to impose such measures as the Director of the Bureau of Prisons.

Timetable:

Action	Date
Interim Final Rule	10/30/01 66 FR 55062
Interim Final Rule Effective	10/31/01
Interim Final Rule Comment Period End	12/31/01
Final Action	09/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqareshi@bop.gov

RIN: 1120—AB08

1661. DISTRICT OF COLUMBIA YOUTH REHABILITATION ACT (DCYRA) SENTENCES: NO FURTHER BENEFIT DETERMINATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 18 USC 223, 3521 to 3528, 3621 to 3622, 4001, 4042, 4081 to 4082; 18 USC 4046, 4161 to 4166, 5006 to 5024, 5039; 21 USC 848; 28 USC 509 to 510**CFR Citation:** 28 CFR 524**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes rules describing how the Director of the Bureau will make “no further benefit” (NFB) determinations for inmates convicted of violating the District of Columbia (DC) criminal code and sentenced to a term of imprisonment under the DC Youth Rehabilitation Act (YRA), DC Code sections 24-901 through 24-907. The Director of the Bureau is authorized to make NFB determinations pursuant to DC Code sections 24-10(a), (b), and 24-905.

Timetable:

Action	Date
Interim Final Rule	09/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqareshi@bop.gov

RIN: 1120—AB09

1662. INMATE FEES FOR HEALTH CARE SERVICES**Priority:** Other Significant**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 4001, 4005, 4014, 4042, 4045, 4081 to 4082; 18 USC 4161 to 4166, 4241 to 4247, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 549**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes rules describing procedures we will follow for charging inmates fees for certain

DOJ—BOP

Final Rule Stage

kinds of health services, as required under the Federal Prisoner Health Care Copayment Act of 2000 (Pub. L. 106-294, October 12, 2000, 114 Stat. 1038).

Timetable:

Action	Date
NPRM	10/10/02 67 FR 63059
NPRM Comment Period End	12/09/02
Final Action	06/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AB11

1663. CENTRAL INMATE MONITORING (CIM) SYSTEM: STREAMLINING RULES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 3624, 4001, 4042, 4081 to 4082; 18 USC 223; 18 USC 5006 to 5024, 5039; 28 USC 509 to 510; ...

CFR Citation: 28 CFR 524

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to streamline its rules on the Central Inmate Monitoring system (CIM). We intend this amendment to streamline our regulations by removing internal agency management procedures that need not be stated in regulation. Bureau policy is a more appropriate vehicle through which to provide instruction and guidance to staff. All the provisions we removed consist of our instruction and guidance to Bureau staff. These provisions relate solely to internal agency management and practice and do not impose obligations or confer any benefits upon our regulated entities (the inmates) or the public. The procedures that were in these regulations will continue to exist, unchanged, in our policy statement on the Admission and Orientation Program. Any requirement imposed on our staff in these rules will remain a Bureau-wide requirement in our policy.

It is important to note that we have not changed the substance of the CIM rules.

Timetable:

Action	Date
Interim Final Rule	08/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AB14

1664. • COMMENTS ON UNICOR BUSINESS OPERATIONS: CLARIFICATION OF ADDRESSES

Priority: Info./Admin./Other

Legal Authority: 18 USC 4126

CFR Citation: 28 CFR 302.1

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) changes the addresses of the Chief Operating Officer and the Board of Directors of Federal Prison Industries, Inc. (also known as UNICOR), to correct and update them.

Timetable:

Action	Date
Interim Final Rule	07/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120-AB15

1665. ADMISSION AND ORIENTATION PROGRAM: REMOVAL FROM RULES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 4001, 4042, 4081 to 4082;

18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 522

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to remove its rules on the Admission and Orientation Program from the CFR. We intend this amendment to streamline our regulations by removing internal agency management procedures that need not be stated in regulation.

The three rules in 28 CFR subpart E, sections 522.40, 522.41, and 522.43, contained descriptions of the Bureau's Admission and Orientation Program. Although we are removing these rules from the CFR, we retain the language of these rules in our Admission and Orientation policy, which is an instructional document for Bureau employees and institutional staff.

Section 522.40 required institutions and staff to "offer each newly committed inmate an orientation to the institution," which includes information on inmate rights, responsibilities, obligations, and the institution's programs and disciplinary system.

Section 522.41 delineated Warden and staff responsibility for conducting the Admission and Orientation (A&O) program. This section required staff involved in the A&O program to develop an outline of information to present during A&O and develop written orientation materials. This section also instructed staff to monitor inmates with significant emotional stress during A&O, so that the institution could provide them with appropriate assistance.

Section 522.42 contained guidelines for institution A&O programs, including such details as location, activities, and length of the program.

All of these rules consist of our instruction and guidance to Bureau staff. These rules relate solely to internal agency management and practice and do not impose obligations or confer any benefits upon our regulated entities (the inmates) or the public.

Timetable:

Action	Date
Interim Final Rule	02/04/03 68 FR 5563

DOJ—BOP

Final Rule Stage

Action	Date
Interim Final Rule	04/07/03
Comment Period End	
Final Action	12/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120—AB16

1666. BUREAU OF PRISONS EMERGENCIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 3624, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 501.1

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) makes this interim final rule to clarify that, when there is an institutional or system-wide Bureau emergency which the Director or designee, such as a Warden, considers a threat to human life or safety, the Director or designee may suspend the operation of the rules in this chapter as necessary to handle the emergency. This rule clarifies that the Director may suspend Bureau rules as needed in

light of any emergency affecting the Bureau, and the Warden may do so to deal with emergencies at the institution level. This rule change clarifying the Director's authority to modify Bureau rules to handle emergencies is especially necessary in light of the recent terrorist attacks, threats to national security, threats of anthrax surrounding mail processing, and other events occurring on and after September 11, 2001.

Timetable:

Action	Date
Interim Final Rule	04/16/03 68 FR 18544
Interim Final Rule	06/16/03
Comment Period End	
Final Action	12/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120—AB17

1667. CLARIFYING OF RELEASE GRATUITIES—RELEASE TRANSPORTATION REGULATIONS TO MORE CLOSELY CONFORM TO STATUTORY PROVISIONS

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 3565, 3568 to 3569, 3582, 3621 to 3622,

3624, 4001, 4042, 4081 to 4082; 18 USC 4161-4166, 4201 to 4218, 5006 to 5024, 5031 to 5042; 28 USC 509, 510; US Cost, Art II, sec 2

CFR Citation: 28 CFR 571.22

Legal Deadline: None

Abstract: This document makes a minor clarifying change to the Bureau of Prisons (Bureau) regulations on release gratuities, transportation, and clothing. The amendment will clarify that the Bureau is authorized, upon an inmate's release, to provide transportation to an inmate's place of conviction or his legal residence only within the United States, under 18 U.S.C. 3624(d)(3). We intend this clarification to remove the misapprehension that the Bureau is authorized to provide transportation outside the United States.

Timetable:

Action	Date
Interim Final Rule	06/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120—AB21

Department of Justice (DOJ)

Bureau of Prisons (BOP)

Long-Term Actions

1668. OVER-THE-COUNTER (OTC) MEDICATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 549.30 to 549.31

Timetable:

Action	Date
NPRM	03/01/99 64 FR 10094
NPRM Comment Period End	04/30/99
Next Action	Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov

RIN: 1120—AA81

Department of Justice (DOJ)
Bureau of Prisons (BOP)
Completed Actions**1669. VOLUNTEER COMMUNITY SERVICE PROJECTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 551.60**Completed:**

Reason	Date
Final Action	04/18/03 68 FR 19149
Final Action Effective	05/19/03

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi
 Phone: 202 307-2105
 Fax: 202 305-4577
 Email: squreshi@bop.gov

RIN: 1120-AA03**1670. INCOMING PUBLICATIONS****Priority:** Other Significant**CFR Citation:** 28 CFR 540.71**Completed:**

Reason	Date
Final Action	12/17/02 67 FR 77161

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi
 Phone: 202 307-2105
 Fax: 202 305-4577
 Email: squreshi@bop.gov

RIN: 1120-AA15**1671. INCOMING PUBLICATIONS: NUDITY AND SEXUALLY EXPLICIT MATERIAL OR INFORMATION****Priority:** Other Significant**CFR Citation:** 28 CFR 540.70 to 540.72**Completed:**

Reason	Date
Final Action	12/18/02 67 FR 77425

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi
 Phone: 202 307-2105
 Fax: 202 305-4577
 Email: squreshi@bop.gov

RIN: 1120-AA59**1672. VISITING REGULATIONS: PRIOR RELATIONSHIP****Priority:** Other Significant**CFR Citation:** 28 CFR 540.44**Completed:**

Reason	Date
Final Action	03/06/03 68 FR 10656
Final Action Effective	04/07/03

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi
 Phone: 202 307-2105
 Fax: 202 305-4577
 Email: squreshi@bop.gov

RIN: 1120-AA77
Department of Justice (DOJ)
Civil Rights Division (CRT)
Proposed Rule Stage**1673. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 12186(b)**CFR Citation:** 28 CFR 36**Legal Deadline:** None

Abstract: In 1991, the Department of Justice published regulations to implement title III of the Americans with Disabilities Act of 1990 (ADA). Those regulations include the ADA Standards for Accessible Design, which establish requirements for the design and construction of accessible facilities that are consistent with the ADA Accessibility Guidelines (ADAAG) published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). In the time since the regulations became effective, the Department of Justice and the Access Board have each gathered a great deal of information regarding the implementation of the Standards. The

Access Board is currently in the process of revising ADAAG, and it published a Notice of Proposed Rulemaking (NPRM) on November 16, 1999. In order to maintain consistency between ADAAG and the ADA Standards, the Department is reviewing its title III regulations and expects to propose, in one or more stages, to adopt the revisions proposed by the Access Board and to make related revisions to the Department's title III regulations. In addition to maintaining consistency between ADAAG and the Standards, the purpose of this review and these revisions will be to more closely coordinate with voluntary standards; to clarify areas which, through inquiries and comments to the Department's technical assistance phone lines, have been shown to cause confusion; to reflect evolving technologies in areas affected by the Standards; and to comply with section 610 of the Regulatory Flexibility Act, which requires agencies once every 10 years to review rules that have a significant economic impact upon a substantial number of small entities.

The adoption of revised ADAAG will also serve to address changes to the ADA Standards previously proposed in RIN 1190-AA26 and RIN 1190-AA38, which have been withdrawn. These changes will include technical specifications for facilities designed for use by children and accessibility standards for State and local government facilities that have previously been published by the Access Board.

The timetable set forth below refers to the notice of proposed rulemaking that the Department will issue as the first stage of the above-described title III rulemaking. This notice of proposed rulemaking will be issued under both title II and title III. For purposes of the title III regulation, this notice will propose to adopt revised ADAAG as the ADA Standards for Accessible Design and will initiate the review of the regulation in accordance with the requirements of section 610 of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

DOJ—CRT

Proposed Rule Stage

Timetable:

Action	Date
NPRM	07/00/03
NPRM Comment Period End	09/00/03

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None

Additional Information: RIN 1190-AA44, which will effect changes to 28 CFR 36 (the Department's regulation implementing title III of the ADA), is related to another rulemaking of the Civil Rights Division, RIN 1190-AA46, which will effect changes to 28 CFR 35 (the Department's regulation implementing title II of the ADA).

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738
Phone: 800 514-0301
TDD Phone: 800 514-0383
Fax: 202 307-1198

RIN: 1190-AA44

1674. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES (SECTION 610 REVIEW)

Priority: Economically Significant. Major under 5 USC 801.**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 12134; PL 101-336**CFR Citation:** 28 CFR 35**Legal Deadline:** None

Abstract: On July 26, 1991, the Department published its final rule implementing title II of the Americans with Disabilities Act (ADA). On November 16, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) issued its first comprehensive review of the ADA Accessibility Guidelines, which form the basis of the Department's ADA Standards for Accessible Design. The ADA (section 204(c)) requires the Department's standards to be consistent with the Access Board's guidelines. Therefore, the Department will publish a Notice of Proposed Rulemaking (NPRM) proposing to adopt the revisions proposed by the Access Board. The Department will also, in one or more

stages, review its title II regulations for purposes of section 610 of the Regulatory Flexibility Act and make related changes to its title II regulations.

In addition to the statutory requirement for the rule, the social and economic realities faced by Americans with disabilities dictate the need for the rule. Individuals with disabilities cannot participate in the social and economic activities of the Nation without being able to access the programs and services of State and local governments. Further, amending the Department's ADA regulations will improve the format and usability of the ADA Standards for Accessible Design; harmonize the differences between the ADA Standards and national consensus standards and model codes; update the ADA Standards to reflect technological developments that meet the needs of persons with disabilities; and coordinate future ADA Standards revisions with national standards and model code organizations. As a result, the overarching goal of improving access for persons with disabilities so that they can benefit from the goods, services, and activities provided to the public by covered entities will be met.

The timetable set forth below refers to the notice of proposed rulemaking that the Department will issue as the first stage of the above-described title II rulemaking. This notice of proposed rulemaking will be issued under both title II and title III. For purposes of the title II regulation, this notice will propose to eliminate the Uniform Federal Accessibility Standards (UFAS) as an alternative to the ADA Standards for Accessible Design and to adopt revised ADAAG as the ADA Standards.

Timetable:

Action	Date
NPRM	07/00/03
NPRM Comment Period End	09/00/03

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** RIN 1190-AA46, which will effect changes to 28

CFR 35 (the Department's regulation implementing title II of the ADA), is related to another rulemaking of the Civil Rights Division, RIN 1190-AA44, which will effect changes to 28 CFR 36 (the Department's regulation implementing title III of the ADA). By adopting revised ADAAG, this rulemaking will, among other things, address changes to the ADA Standards previously proposed in RINs 1190-AA26, 1190-AA36, and 1190-AA38, which have been withdrawn and merged into this rulemaking. These changes include accessibility standards for State and local government facilities that had been previously published by the Access Board (RIN 1190-AA26) and the timing for the compliance of State and local governments with the curb-cut requirements of the title II regulation (RIN 1190-AA36). In order to consolidate regulatory actions implementing title II of the ADA, on February 15, 2000, RINs 1190-AA26 and 1190-AA38 were merged into this rulemaking and on March 5, 2002, RIN 1190-AA36 was merged into this rulemaking.

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738
Phone: 800 514-0301
TDD Phone: 800 514-0383
Fax: 202 307-1198

RIN: 1190-AA46

1675. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; RECREATION FACILITIES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336**CFR Citation:** 28 CFR 35; 28 CFR 36**Legal Deadline:** None

Abstract: On July 9, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rulemaking to amend the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for

DOJ—CRT

Proposed Rule Stage

Accessible Design. After receiving public comments, the Access Board published a summary of proposed changes to the guidelines for public comment on July 21, 2000. This Notice of Proposed Rulemaking would, for the first time, establish accessibility guidelines for the design of recreation facilities, such as health clubs, golf courses, and amusement parks. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions proposed by the Access Board and proposing related changes to the Department's regulations with respect to the operation of recreation facilities.

Individuals with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. The proposed rule will ensure that new recreation facilities are readily accessible to and usable by individuals with disabilities. As new recreation facilities are designed and constructed to be accessible, individuals with disabilities will enjoy the benefits of these facilities. Operators of recreation facilities will experience increased usage and patronage by individuals with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

Timetable:

Action	Date
NPRM	07/00/03

Action	Date
NPRM Comment Period End	09/00/03

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738
Phone: 800 514-0301
TDD Phone: 800 514-0383
Fax: 202 307-1198

RIN: 1190-AA47**1676. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS****Priority:** Other Significant**Legal Authority:** 8 USC 1182(n)(5)**CFR Citation:** 28 CFR 44.500**Legal Deadline:** None

Abstract: The American Competitiveness and Workforce Improvement Act (ACWIA)—enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998—made various changes to the Immigration and Nationality Act (the INA) relating to temporary nonimmigrant professionals. In this rule (RIN 1190-AA48), the Department's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) will implement the ACWIA "failure to select" protections—codified in the INA at section 212(n)(5)—by establishing a process under which U.S. workers may file complaints against certain employers deemed "H-1B dependent" that deny employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under this process, OSC may receive and review these complaints, and then—if there is reasonable cause to believe the allegations—initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service (FMCS). A companion to this rule will include changes to the

regulations of the Office of the Chief Administrative Hearing Officer (OCAHO) of the Executive Office for Immigration Review (EOIR) to provide for the review of arbitrators' decisions and, where appropriate, the award of administrative relief. These rules are being coordinated with the Immigration and Naturalization Service (INS), the Department of Labor (DOL), and the FMCS.

Timetable:

Action	Date
NPRM	08/00/03
NPRM Comment Period End	10/00/03

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None

Additional Information: A rulemaking of the former Immigration and Naturalization Service (INS), now part of the Department of Homeland Security (DHS), previously RIN 1115-AF40, through which the Department of Justice had intended to implement the ACWIA, was merged into INS rule RIN 1115-AG11 because of additional legislation relating to H-1B classification which became law while RIN 1115-AF40 was being developed. ACWIA increased the numerical cap on H-1B nonimmigrant aliens; required certain dependent employers to make additional attestations to the Department of Labor (DOL); increased the penalties for employers who have been found to be in violation of DOL's rules; and created a "whistle blower" clause to protect H-1B workers who filed complaints against their employer.

Agency Contact: Katherine A. Baldwin, Deputy Special Counsel, Department of Justice, Civil Rights Division, Office of Special Counsel for Unfair Employment Practices, 1425 New York Avenue, Suite 9000, Washington, DC 20005
Phone: 202 616-5594
Fax: 202 616-5509

Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1190-AA48

DOJ—CRT

Proposed Rule Stage

1677. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE OR LOCAL GOVERNMENT FACILITIES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; PLAY AREAS**Priority:** Other Significant**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336**CFR Citation:** 28 CFR 35; 28 CFR 36**Legal Deadline:** None

Abstract: On October 18, 2000, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published a final rule to supplement the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. These guidelines establish for the first time accessibility guidelines for the design of play areas. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions of the Access Board and proposing related changes to the Department's regulations with respect to the operation of play areas.

Persons with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board Guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. This rule is designed to ensure that new play areas are readily accessible to and usable by persons with disabilities. As new play areas are designed and constructed to be accessible, persons with disabilities will enjoy the benefits of these areas. Operators of play areas will experience increased usage and patronage by persons with disabilities. Designers and manufacturers will have a clear and

consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

Timetable:

Action	Date
NPRM	07/00/03
NPRM Comment	09/00/03
Period End	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local**Agency Contact:** John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

RIN: 1190-AA50**1678. AMENDMENTS TO PROCEDURES ADVISING STATES AND POLITICAL SUBDIVISIONS SPECIALLY COVERED UNDER THE VOTING RIGHTS ACT HOW TO SEEK PRECLEARANCE FROM THE ATTORNEY GENERAL OF PROPOSED VOTING CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 1973a(c); 42 USC 1973c**CFR Citation:** 28 CFR 51**Legal Deadline:** None

Abstract: Section 5 of the Voting Rights Act of 1965 requires that certain States and their political subdivisions (covered jurisdictions) obtain "preclearance" from the Federal Government of proposed changes in voting practices and procedures prior to their implementation. Preclearance may be obtained either through litigation in the United States District Court for the District of Columbia or administratively from the Attorney General. In 1971 the Department first issued procedures for the administration of section 5 to inform covered jurisdictions concerning the manner in which they could comply

with section 5 in the administrative proceeding before the Attorney General. In subsequent years, the Department has amended these procedures to reflect changes in section 5 law, in the Attorney General's internal practices, and to make the procedures clearer and easier to follow. In the 16 years since the last major amendment to the procedures, there have been significant changes in section 5 law and in the practices employed by the Department in processing submissions, which are not reflected in the existing Procedures.

Timetable:

Action	Date
NPRM	11/00/03
NPRM Comment	01/00/04
Period End	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local**Agency Contact:** Joseph D. Rich, Chief, Voting Section, Department of Justice, Civil Rights Division, Room 7254, 1800 G Street NW, Washington, DC 20006
Phone: 202 307-2870**RIN:** 1190-AA51**1679. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS; IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND SECTION 504 OF THE REHABILITATION ACT 1973****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2000d et seq; 29 USC 706; 29 USC 794; EO 12250**CFR Citation:** 28 CFR 42.401 to 42.415; 28 CFR 41.1 to 41.58**Legal Deadline:** None

Abstract: In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. In a joint rulemaking described at RIN 1190-AA49, the Department and other Federal agencies are conforming their implementation regulations to the CRRRA and to several other statutes.

DOJ—CRT

Proposed Rule Stage

In the rulemaking described under this RIN (1190-AA52) the Department of Justice proposes to make amendments to its coordination regulations concerning agency enforcement of title VI of the Civil Rights Act of 1964, 28 CFR 42.401 to 42.415, and agency enforcement of section 504 of the Rehabilitation Act of 1972, 28 CFR 41.1 to 41.58. The proposed amendments explicitly incorporate the CRRA's definition of "program or activity" and "program" into the Department's title VI and section 504 coordination regulations.

Further, this joint rule will include similar amendments to the regulations of the Department of Defense and the Department of Housing and Urban Development implementing title VI, section 504, and/or the Age Discrimination Act, which are not participating in the joint rule at 1190-AA49.

Timetable:

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560
Phone: 202 307-2222
TDD Phone: 202 307-2678
Fax: 202 307-0595
Email: merrily.a.friedlander@usdoj.gov
RIN: 1190-AA52

1680. PROCEDURES TO REVIEW POLICE DEPARTMENTS FOR A PATTERN OR PRACTICE OF CONDUCT THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE U.S.

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 301; 28 USC 509

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. section 14141 ("section 14141"), the Attorney General is authorized to file lawsuits seeking court

orders to reform police departments engaging in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured by the Constitution or laws of the United States. To date, the Department of Justice has conducted reviews of police departments pursuant to section 14141 using informal procedures. The purpose of this rule is to formalize the procedures by which the Department reviews police departments for a pattern or practice of unlawful conduct.

Timetable:

Action	Date
NPRM	12/00/03
NPRM Comment Period End	02/00/04

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Robert Driscoll, Deputy Assistant Attorney General, Department of Justice, Civil Rights Division, Room 5541, 950 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 353-0742

RIN: 1190-AA53

**Department of Justice (DOJ)
Civil Rights Division (CRT)**

Final Rule Stage

1681. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

CFR Citation: 28 CFR 42.101 to 42.112; 28 CFR 42.501 to 42.540; 28 CFR 42.700 to 42.736

Legal Deadline: None

Abstract: The Department of Justice is amending its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race,

color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this regulation explicitly incorporates the CRRA's definition of "program or activity" and "program" into the Department's title VI, section 504, and Age Discrimination Act regulations. The Department's regulation will be published as part of a joint final rule involving up to 24 Federal agencies.

Timetable:

Action	Date
NPRM	12/06/00 65 FR 76460

Action	Date
NPRM Comment Period End	01/05/01
Final Action	09/00/03
Final Action Effective	10/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560
Phone: 202 307-2222
TDD Phone: 202 307-2678
Fax: 202 307-0595
Email: merrily.a.friedlander@usdoj.gov

RIN: 1190-AA49

Department of Justice (DOJ)

Proposed Rule Stage

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

1682. IMPLEMENTATION OF PUB. L. 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY 1999, RELATING TO THE PERMANENT PROVISIONS OF THE BRADY HANDGUN VIOLENCE PREVENTION ACT**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)**CFR Citation:** 27 CFR 478**Legal Deadline:** None

Abstract: ATF will amend the regulations to implement the provision of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, relating to the permanent provisions of the Brady Handgun Violence Prevention Act. The new law allows a licensed pawnbroker to contact the national instant criminal background check system (NICS) prior to taking or receiving a firearm in pawn. If NICS advises the pawnbroker that receipt or possession of the firearm would be in violation of the law, the licensee must advise local law enforcement within 48 hours after receipt of information.

Timetable:

Action	Date
NPRM	12/00/03

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Additional Information:** Transferred from RIN 1512-AB83

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA07**1683. IMPLEMENTATION OF PUBLIC LAW 105-277 RELATING TO SECURE GUN STORAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 421 to 430; 44 USC 3504(h)**CFR Citation:** 27 CFR 478**Legal Deadline:** None

Abstract: The Bureau of Alcohol, Tobacco, Firearms, and Explosives will issue a notice of proposed rulemaking amending the regulations to implement

the provisions of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for fiscal year 1999. Regulations are proposed with regard to: 1) Certification by applicants for dealers' licenses that secure gun storage or safety devices will be available at any place where firearms are sold to nonlicensed individuals; and 2) an amended definition of "antique firearm," to include certain muzzle loading firearms.

Timetable:

Action	Date
NPRM	12/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC67

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA10

Department of Justice (DOJ)

Final Rule Stage

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

1684. • IMPLEMENTATION OF THE SAFE EXPLOSIVES ACT, TITLE XI, SUBTITLE C OF PUBLIC LAW 107-296**Priority:** Other Significant**Legal Authority:** PL 107-296, title XI, subtitle C**CFR Citation:** 27 CFR 555**Legal Deadline:** Final, Statutory, May 24, 2003.

Abstract: ATF is amending the regulations to implement the provisions of the Safe Explosives Act, title XI, subtitle C, of Public Law 107-296, the Homeland Security Act of 2002 (enacted November 25, 2002). This interim rule implements the law which, among other things: (1) Requires that all persons receiving explosives on and after May 24, 2003, obtain a Federal license or permit, and creates a new type of permit, the "limited permit;" (2) requires applicants for licenses and

permits to provide as part of their application the names and appropriate identifying information regarding employees authorized to possess explosives as well as fingerprints and photographs of "responsible persons;" (3) extends the time for ATF to act on an application for a license or permit from 45 days to 90 days; (4) authorizes warrantless inspections of places of storage maintained by applicants for limited permits and holders of limited permits; (5) provides that only licensees and holders of user permits must post their licenses and permits and make them available for inspection; (6) requires that ATF conduct background checks on responsible persons and employees authorized to possess explosive materials; (7) specifies additional categories of persons who may not lawfully receive or possess explosive materials, i.e., aliens (other than permanent resident aliens and

other excepted aliens), persons dishonorably discharged from the military, and persons who have renounced their U.S. citizenship; (8) broadens the interstate commerce element of the prohibited persons section of the law to specify that a violation is committed if possession of explosive materials affects interstate or foreign commerce; (9) provides ATF the authority to require licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate to provide samples, information on chemical composition, and other information relevant to the identification of the product; (10) broadens the scope of a criminal violation of the law to include any institution or organization receiving Federal financial assistance within the categories of property covered by the violation; (11) expands ATF's authority

DOJ—ATF

Final Rule Stage

to grant relief from disabilities to all categories of prohibited persons; and (12) adds a new theft-reporting violation, providing felony penalties for a licensee or permittee who fails to report thefts of explosives within 24 hours of discovery.

Timetable:

Action	Date
Interim Final Rule	03/20/03 68 FR 13768
Interim Final Rule	06/18/03
Comment Period End	
Final Action	06/00/04

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: James P. Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA00

1685. COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY) (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 5 USC 552(a); 31 USC 9303; 31 USC 9304; 40 USC 304(k); 18 USC 847; 18 USC 921 to 930; 18 USC 1261; 19 USC 1612; 19 USC 1613; 19 USC 1618; 26 USC 7101; 26 USC 7322 to 7326; 31 USC 9301

CFR Citation: 27 CFR 555**Legal Deadline:** None

Abstract: ATF is proposing to amend the regulations, in part, pursuant to the Regulatory Flexibility Act (RFA) which requires an agency to review within 10 years of publication, rules for which an agency prepared a final regulatory flexibility analysis addressing the impact of the rule on small businesses or other small entities. Based on comments received in response to the RFA analysis, this notice proposes amendments to the explosives regulations relating to fireworks. The notice also proposes amendments to the regulations that have been initiated by ATF, as well as amendments that have been proposed by members of the explosives industry

Timetable:

Action	Date
General Notice of Regulatory Review	01/10/97 62 FR 1386
NPRM	01/29/03 68 FR 4406
NPRM Comment Period End	04/29/03
Final Action	02/00/04

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: Transferred from RIN 1512-AB48

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA01

1686. IDENTIFICATION MARKINGS PLACED ON EXPLOSIVE MATERIALS

Priority: Substantive, Nonsignificant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None

Abstract: ATF is proposing to amend the regulations to require licensed importers to identify by marking all imported explosive materials. ATF is also proposing to incorporate into the regulations the provisions of ATF Ruling 75-35, relating to methods of marking containers of explosive materials. In addition, ATF is proposing to amend the regulations to remove the requirement that a licensee or permittee file for an amended license or permit in order to change the class of explosive materials described in their license or permit from a lower to a higher classification.

Timetable:

Action	Date
ANPRM	11/03/00 65 FR 67669
ANPRM Comment Period End	01/12/01
NPRM	10/16/02 67 FR 63862
NPRM Comment Period End	01/14/03
Final Action	11/00/03

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Additional Information: Transferred from RIN 1512-AC25

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA02

1687. COMMERCE IN EXPLOSIVES—EXPLOSIVE PEST CONTROL DEVICES

Priority: Substantive, Nonsignificant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None

Abstract: The Bureau of Alcohol, Tobacco, Firearms, and Explosives is proposing to amend the explosive regulations to provide a limited exemption from the requirements of part 555 for wildlife pest control devices that are used for agricultural and other pest control operations.

Timetable:

Action	Date
NPRM	01/29/03 68 FR 4402
NPRM Comment Period End	02/28/03
Final Action	12/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: Transferred from RIN 1512-AC80

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA03

1688. COMMERCE IN FIREARMS AND AMMUNITION (OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997)

Priority: Substantive, Nonsignificant**Legal Authority:** 18 USC 847; 18 USC 921 to 930**CFR Citation:** 27 CFR 478**Legal Deadline:** None

DOJ—ATF

Final Rule Stage

Abstract: The Omnibus Consolidated Appropriations Act of 1997 contains amendments to the Gun Control Act of 1986 (18 U.S.C. chapter 44). These amendments add to the category of “prohibited persons” anyone convicted of a “misdemeanor crime of domestic violence.” The amendments require individuals acquiring handguns from Federal firearms licensees to certify (in accordance with the Brady Act) that they have not been convicted of such a crime. The amendments also provide for sales between Federal firearms licensees of curio and relic firearms away from their licensed premises.

Timetable:

Action	Date
NPRM	06/30/98 63 FR 35551
Interim Final Rule	06/30/98 63 FR 35520
NPRM Comment Period End	09/28/98
Final Action	12/00/03

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AB64

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA04**1689. RESIDENCY REQUIREMENT FOR PERSONS ACQUIRING FIREARMS****Priority:** Other Significant**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)**CFR Citation:** 27 CFR 478**Legal Deadline:** None

Abstract: The temporary rule amends the regulations to provide for a firearms purchaser’s affirmative statement of his or her State of residence on ATF Form 4473 (Firearms Transaction Record) and ATF Form 5300.35 (Statement of Intent to Obtain a Handgun) in acquiring a firearm from a Federal firearms licensee. The temporary rule also amends the regulations to require that aliens purchasing firearms provide proof of residency through the use of substantiating documentation, such as

utility bills or a lease agreement. In addition, the regulations are being amended to require that licensees examine a photo identification document from aliens purchasing firearms. These regulations implement firearms initiatives intended to protect the American public from gun violence.

Timetable:

Action	Date
NPRM	04/21/97 62 FR 19446
Interim Final Rule	04/21/97 62 FR 19442
NPRM Comment Period End	07/21/97
Interim Final Rule Comment Period End	07/21/97
Final Action	11/00/03

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AB66

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA05**1690. IMPLEMENTATION OF PUBLIC LAW 104-208, THE OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997, RELATING TO THE ESTABLISHMENT OF A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 846(b)**CFR Citation:** 27 CFR 555**Legal Deadline:** None

Abstract: This rule is needed to implement certain provisions of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997 (the Act), enacted September 30, 1996. The Act amended the Federal explosives laws in 18 U.S.C. chapter 40 to require all Federal agencies to report to ATF any information involving arson or the suspected criminal misuse of explosives. The Act also authorizes ATF to establish a repository for this information. In addition, the law provides that such repository will contain information on incidents voluntarily reported to ATF by State and local authorities.

Timetable:

Action	Date
NPRM	11/15/01 66 FR 57404
NPRM Comment Period End	02/13/02
Final Rule	12/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AB73

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA06**1691. PUBLIC LAW 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY '99, RELATING TO FIREARMS DISABILITIES FOR NONIMMIGRANT ALIENS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)**CFR Citation:** 27 CFR 478**Legal Deadline:** None

Abstract: This rule amends the regulations to implement the provisions of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for fiscal year 1999. The regulations implement the law by prohibiting, with certain exceptions, the transfer to and possession of firearms by aliens admitted to the United States under a nonimmigrant visa.

Timetable:

Action	Date
NPRM	02/05/02 67 FR 5428
Interim Final Rule	02/05/02 67 FR 5422
Interim Final Rule Comment Period End	05/06/02
Final Rule	12/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

DOJ—ATF

Final Rule Stage

Additional Information: Transferred from RIN 1512-AB93

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA08

1692. COMMERCE IN FIREARMS AND AMMUNITION—ANNUAL INVENTORY

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)

CFR Citation: 27 CFR 478

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations to require federally licensed importers, manufacturers, and dealers of firearms to take at least one physical inventory each year. The proposed regulations also specify the circumstances under which these licensees must conduct a special physical inventory. In addition, these proposed regulations clarify who is responsible for reporting a firearm that is stolen or lost in transit between licensees.

Timetable:

Action	Date
NPRM	08/28/00 65 FR 52054
NPRM Comment Period End	11/27/00
Final Action	11/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AC08

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA09

Department of Justice (DOJ)

Drug Enforcement Administration (DEA)

Proposed Rule Stage

1693. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 871(b)

CFR Citation: 21 CFR 1301

Legal Deadline: None

Abstract: DEA is considering whether to propose amending its regulations regarding the supply of controlled substances to ocean vessels to provide a means of supply more consistent with current industry practices for other materials. The decision on whether to propose amendments will be based on the information and comments submitted in response to this notice of proposed rulemaking and DEA's experience with the existing procedures and practices for supplying controlled substances to ocean vessels.

Timetable:

Action	Date
ANPRM	09/18/96 61 FR 49086
ANPRM Comment Period End	11/18/96
NPRM	05/00/03
NPRM Comment Period End	07/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-142

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA40

1694. SALE BY FEDERAL DEPARTMENTS OR AGENCIES OF CHEMICALS USABLE TO MANUFACTURE A CONTROLLED SUBSTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 880; 21 USC 958(f); 21 USC 965; 21 USC 890

CFR Citation: 21 CFR 1310; 21 CFR 1316

Legal Deadline: None

Abstract: DEA is proposing to amend its regulations to provide that a Federal department or agency may not sell from the stocks of the department or agency any chemical which could be used in the manufacture of a controlled substance unless the Administrator of DEA certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled

substance. The proposed rulemaking provides regulatory guidelines and establishes a procedure for prospective bidder and/or broker to appeal if they are aggrieved by DEA's failure to provide such certification.

Timetable:

Action	Date
NPRM	05/00/03
NPRM Comment Period End	07/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: DEA-176

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA47

1695. EXEMPTION FROM IMPORT/EXPORT REQUIREMENTS FOR PERSONAL MEDICAL USE

Priority: Other Significant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 956

DOJ—DEA

Proposed Rule Stage

CFR Citation: 21 CFR 1301**Legal Deadline:** None

Abstract: DEA is proposing to amend its regulations to restrict to 50 dosage units the total quantity of Schedule II, III, IV, and V controlled substances that may be imported for personal medical use by United States (U.S.) residents entering the U.S. A dosage unit is considered by DEA to be the basic unit used to quantify the amount to be taken in normal usage. The proposed 50 dosage unit limit would not apply to a U.S. resident who has a valid U.S. practitioner's prescription. This proposed rulemaking implements and extends the provisions of the Controlled Substances Trafficking Prohibition Act of 1998.

Timetable:

Action	Date
NPRM	07/00/03
NPRM Comment Period End	09/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-192

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA56**1696. ELECTRONIC ORDERS FOR SCHEDULE I AND II CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 827; 21 USC 828; 21 USC 871(b); 21 USC 958(e); 21 USC 965**CFR Citation:** 21 CFR 1304; 21 CFR 1305**Legal Deadline:** None

Abstract: DEA is proposing to revise its regulations to provide the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). The regulations will propose that this electronic system may also be used for controlled substances in Schedules III, IV, and V. These

proposed regulations would be in addition to, not a replacement of, the existing rules. These regulations are needed to give manufacturers, distributors, importers, exporters, pharmacies, and hospitals the option to use modern technology for controlled substance transactions. The proposed regulations would reduce paperwork and transaction times for DEA registrants who distribute, purchase, or handle controlled substances. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global and National Commerce Act," while maintaining a closed system of distribution of controlled substances and ensuring security and authentication. In a separate related rulemaking (RIN 1117-AA61), DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions.

Timetable:**Electronic Orders for Schedule I and II Controlled Substances**

ANPRM 03/05/01 (66 FR 13274)

NPRM 05/00/03

NPRM Comment Period End 07/00/03

Notice of Intent To Conduct Performance Verification Testing of Public Key Infrastructure Enabled Controlled Substance Orders

Notice 01/11/02 (67 FR 1507)

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** ANPRM: DEA-214

Notice: DEA-224

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

Related RIN: Related To 1117-AA61**RIN:** 1117-AA60**1697. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 829; 21 USC 871(b)**CFR Citation:** 21 CFR 1306**Legal Deadline:** None

Abstract: DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules. These regulations are needed to give pharmacies, hospitals, and practitioners the ability to use modern technology for controlled substance prescriptions, while maintaining the closed system of distribution of controlled substances dispensing. The proposed regulations would reduce paperwork and transaction times for DEA registrants who dispense or prescribe controlled substances. The proposed regulations would also reduce the number of prescription errors caused by illegible handwriting and misunderstood oral prescriptions. They would allow pharmacies and hospitals to integrate prescription records into other medical records more directly, increasing efficiency, and would reduce the time patients spend waiting to have prescriptions filled. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global and National Commerce Act," while ensuring security and authentication. In a separate related rulemaking (RIN 1117-AA60), DEA is proposing to revise its regulations to provide the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA)(21 U.S.C. 801 et seq.)

Timetable:

Action	Date
ANPRM	03/05/01 66 FR 13274
NPRM	07/00/03
NPRM Comment Period End	09/00/03

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** DEA-214

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of

DOJ—DEA

Proposed Rule Stage

Diversion Control, Washington, DC
20537

Phone: 202 307-7297

Related RIN: Related To 1117-AA60

RIN: 1117-AA61

1698. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDOEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE

Priority: Other Significant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830

CFR Citation: 21 CFR 1309

Legal Deadline: None

Abstract: DEA is proposing to require that manufacturers, distributors, importers and exporters of pseudoephedrine, ephedrine, and phenylpropanolamine implement security procedures similar to those of Schedules III through V controlled substances to prevent the theft and diversion of these List I chemicals. Pseudoephedrine and ephedrine are used in the illegal manufacture of methamphetamine, and phenylpropanolamine is used in the illegal manufacture of amphetamine.

The vast majority of these clandestine laboratories were producing methamphetamine using over-the-counter regulated drug products. Some of the product found at these clandestine laboratories came from thefts at manufacturers, distributors, importers and exporters. Almost all of the reports of List I chemical thefts reported to DEA in the past few years have involved pseudoephedrine, ephedrine, or phenylpropanolamine.

Therefore, to address the problem of diversion of pseudoephedrine, ephedrine, and phenylpropanolamine through theft, DEA is proposing that manufacturers, distributors, importers, and exporters of these three chemicals implement security procedures similar to those now used by registrants handling Schedules III through V controlled substances. These procedures include the storage of substances in a secure safe or steel cabinet, cage, or room and installation of a monitored alarm system linked to a central location. DEA will also be seeking input regarding alternative means to effectively prevent the theft and diversion of these products.

Keeping pseudoephedrine, ephedrine, and phenylpropanolamine products in such secure areas will limit the opportunity for theft.

Timetable:

Action	Date
NPRM	08/00/03
NPRM Comment Period End	10/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-211

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA62

1699. REORGANIZATION AND CLARIFICATION OF DEA REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 871(b)

CFR Citation: 21 CFR 1300; 21 CFR 1301; 21 CFR 1302; 21 CFR 1303; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307; 21 CFR 1308; 21 CFR 1309; 21 CFR 1310; 21 CFR 1312; 21 CFR 1313; ...

Legal Deadline: None

Abstract: DEA is proposing a revision and reorganization of title 21, Code of Federal Regulations, chapter II. These regulations relate to the manufacture, distribution, dispensing, importation, and exportation of controlled substances and the manufacture, distribution, importation, and exportation of listed chemicals. This action is being taken to further clarify and reorganize the current regulations. The regulations will be drafted in plain language to make them easier to understand.

Timetable:

Action	Date
NPRM	01/00/04
NPRM Comment Period End	03/00/04

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-221

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA63

1700. CHEMICAL MIXTURES CONTAINING LISTED FORMS OF PHOSPHORUS

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: In a previous rulemaking, (RIN 1117-AA57) DEA made red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) List I chemicals. Although 1117-AA57 was effective as of November 16, 2001, (and it remains in effect) DEA asked for and received comments at the final rule stage on an exemption. DEA is still considering these comments and will publish a second final rule under the RIN 1117-AA57 finalizing that rulemaking.

By this rulemaking (1117-AA66) DEA is requesting information from interested parties to propose regulations governing chemical mixtures containing the List I chemicals red phosphorus, white phosphorus, and hypophosphorous acid (and its salts). Currently, all chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical mixtures (see RIN 1117-AA31). These three List I chemicals are used industrially and have multiple commercial purposes. They are also used in the illicit production of methamphetamine and amphetamine. Information sought will help determine whether there are chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) which should be exempt from the regulations governing listed chemicals.

DOJ—DEA

Proposed Rule Stage

Timetable:

Action	Date
ANPRM	01/31/03 68 FR 4968
ANPRM Comment Period End	04/01/03
NPRM	09/00/03
NPRM Comment Period End	11/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-228

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

Related RIN: Related To 1117-AA57, Related To 1117-AA31

RIN: 1117-AA66

1701. CHEMICAL REGISTRATION WAIVERS; EXEMPTION FROM CHEMICAL REGISTRATION FEES FOR CERTAIN PERSONS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958

CFR Citation: 21 CFR 1309; 21 CFR 1310

Legal Deadline: None

Abstract: DEA is proposing amending its regulations to waive the requirement of registration for contract processors, medical/first aid kit providers, distributors of sample packages of drug products, distributors of research/reference standards, and rural wholesale distributors. These actions are being taken in response to industry comments and suggestions. DEA has determined that requiring registration for these activities is not necessary for effective enforcement under the Controlled Substances Act (CSA), and waiving the requirement of registration will ease regulatory burdens for the affected industries. DEA is also proposing exempting charitable organizations and governmental entities from initial and renewal registration fees. These fee exemptions will bring the chemical regulations into

conformance with the controlled substances regulations.

Timetable:

Action	Date
NPRM	08/00/03
NPRM Comment Period End	10/00/03

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** State, Local, Federal**Additional Information:** DEA-189

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA67

1702. AUTHORITY FOR PRACTITIONERS TO DISPENSE OR PRESCRIBE APPROVED NARCOTIC (OPIOID) SUBSTANCES FOR MAINTENANCE OR DETOXIFICATION TREATMENT

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 829; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 956; ...

CFR Citation: 21 CFR 1301; 21 CFR 1306

Legal Deadline: None

Abstract: DEA is proposing amendments to its regulations to implement the Drug Addiction Treatment Act of 2000 (DATA). These amendments would allow qualified practitioners to dispense and prescribe narcotic (opiod) controlled substances approved by the Food and Drug Administration (FDA) specifically for use in maintenance or detoxification treatment.

The Controlled Substances Act (CSA) and current regulations require that practitioners who want to conduct maintenance or detoxification treatment using narcotic (opiod) controlled substances be registered with DEA as narcotic treatment programs (NTPS) in addition to the practitioners' personal registrations. The separate NTP registrations authorize the practitioners to dispense or administer, but not prescribe, narcotic (opiod) controlled substances.

These regulations establish an exemption from the separate registration requirement for qualified practitioners dispensing or prescribing Schedule III, IV, and V narcotic (opiod) controlled substances approved by the FDA specifically for use in maintenance or detoxification treatment. This NPRM would allow "qualifying physicians," whether they are already registered as NTPs or not, to dispense and prescribe Schedule III, IV, and V narcotic (opiod) controlled substances or combinations of controlled substances approved by FDA specifically for use in maintenance or detoxification treatment.

Timetable:

Action	Date
NPRM	07/00/03
NPRM Comment Period End	09/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-202

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA68

1703. RECORDKEEPING AND REPORTING REQUIREMENTS FOR DRUG PRODUCTS CONTAINING GAMMA HYDROXYBUTYRIC ACID (GHB)

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 821; 21 USC 827; 21 USC 829; 21 USC 830; 21 USC 871(b); 21 USC 958; 21 USC 965; ...

CFR Citation: 21 CFR 1304; 21 CFR 1306; 21 CFR 1310

Legal Deadline: None

Abstract: The Drug Enforcement Administration (DEA) is publishing a Notice of Proposed Rulemaking (NPRM) to amend its regulations to require additional recordkeeping and reporting requirements for drug products containing gamma-hydroxybutyric acid (GHB) for which an application has been approved under the Federal Food, Drug, and Cosmetic Act. The Hillary J.

DOJ—DEA

Proposed Rule Stage

Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 establishes specific reporting and recordkeeping requirements with respect to the distribution and dispensing of drug products containing GHB.

This NPRM proposes recordkeeping requirements for practitioners dispensing Schedule III GHB drug products and reporting requirements for manufacturers and distributors of Schedule III GHB drug products. Specifically, this NPRM would require pharmacies and practitioners dispensing GHB to maintain and make available for inspection the name of the prescribing practitioner, the prescribing practitioner's Federal and State registration numbers with expiration dates, verification that the prescribing practitioner possesses appropriate registration, the patient's insurance provider, if available, as well as the patient's medical need for the drug. This NPRM also proposes to include Schedule III GHB drug products as controlled substances that must be reported under the Automation of Reports and Consolidated Orders System (ARCOS).

Timetable:

Action	Date
NPRM	07/00/03
NPRM Comment Period End	09/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-234

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297

RIN: 1117-AA71**1704. CHEMICAL REGISTRATION AND REREGISTRATION FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 830; 21 USC 871(b); 21 USC 958**CFR Citation:** 21 CFR 1309**Legal Deadline:** None**Abstract:** On December 1, 1999, DEA published a Notice of Proposed

Rulemaking (see RIN 1117-AA50) regarding its chemical registration and reregistration fees. Subsequent to publication of this rule, DEA's investigative activities increased. As has been previously noted elsewhere, costs for investigative activities including, but not limited to, extensive investigation and collection of documentation of violative practices by registrants, attorney review and preparation by DEA's Office of Chief Counsel, staff and attorney time to prepare for proceedings to deny or revoke a registration, and Administrative Law Judge and staff to conduct registration denial hearings were not included in previous fee calculations. Due to the increased costs associated with these investigative activities, DEA is re-evaluating the costs of the chemical control program and calculating new fees to incorporate these increased costs.

Timetable:

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-235

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297

Related RIN: Related To 1117-AA50**RIN:** 1117-AA72**1705. ● REPORTS BY REGISTRANTS OF THEFT OR SIGNIFICANT LOSS OF CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; ...**CFR Citation:** 21 CFR 1301**Legal Deadline:** None**Abstract:** DEA is amending its regulations to clarify its policy regarding reports by registrants of theft or significant loss of controlled substances. There has been some

confusion as to what constitutes a significant loss, and when and how initial notice of a theft or loss should be provided to DEA. This Notice of Proposed Rulemaking proposes the clarification of DEA regulations and provides guidance to registrants regarding the theft, significant loss, and explained loss of controlled substances.

Timetable:

Action	Date
NPRM	06/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA 196

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297

RIN: 1117-AA73**1706. ● PREVENTING THE ACCUMULATION OF SURPLUS CONTROLLED SUBSTANCES AT LONG-TERM CARE FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 871(b)**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1307**Legal Deadline:** None**Abstract:** To address the accumulation of excess controlled substances at long term care facilities (LTCFs), the Drug Enforcement Administration (DEA) is proposing to permit the use of automated dispensing systems operated by provider pharmacies. Specifically, this proposed rule would permit a DEA-registered pharmacy to register at a LTCF (without any additional registration fees) and to store controlled substances in the automated dispensing system at the LTCF. The use of automated dispensing systems would allow dispensing of single dosage units of prescribed controlled substances, provide electronic records of each dispensing, and mitigate the problem of excess stocks of controlled substances at the LTCF and the disposal of those stocks.

DOJ—DEA

Proposed Rule Stage

Timetable:

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Additional Information: DEA-240
Agency Contact: Patricia M. Good,
 Chief, Liaison and Policy Section,
 Department of Justice, Drug
 Enforcement Administration, Office of

Diversion Control, Washington, DC
 20537
 Phone: 202 307-7297

RIN: 1117-AA75

Department of Justice (DOJ)
Drug Enforcement Administration (DEA)

Final Rule Stage

**1707. DEFINITION AND
 REGISTRATION OF REVERSE
 DISTRIBUTORS**

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877

CFR Citation: 21 CFR 1301

Legal Deadline: None

Abstract: In years past, most pharmaceutical manufacturers and wholesalers, as a service to their customers, accepted returns of outdated/damaged merchandise. Also, agencies such as DEA and State Boards of Pharmacy accepted surrendered drugs or witnessed their disposal by controlled substance registrants. Over the past several years, environmental concerns and regulations have eliminated many of the disposal options which had been available. As a result, drug producers and government agencies alike are increasingly reluctant to be involved in the disposal process. Due to these factors and the time and resources expended by DEA and manufacturers, DEA is proposing the establishment of this essential link in the legitimate distribution chain.

Timetable:

Action	Date
NPRM	08/23/95 60 FR 43732
NPRM Comment Period End	10/23/95
Interim Final Rule	07/00/03

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: DEA-108

Agency Contact: Patricia M. Good,
 Chief, Liaison and Policy Section,
 Department of Justice, Drug
 Enforcement Administration, Office of
 Diversion Control, Washington, DC
 20537

Phone: 202 307-7297

RIN: 1117-AA19

**1708. EXEMPTION OF CHEMICAL
 MIXTURES**

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: The Domestic Chemical Diversion Control Act of 1993 removed the exemption from regulation for chemical mixtures. Chemical mixtures are now regulated, unless specifically exempted by the Administrator. In the proposed rule regarding the implementation of the Domestic Chemical Diversion Control Act of 1993, DEA proposed regulations regarding exemption of chemical mixtures. Based on industry comments, the proposed regulations were subsequently withdrawn for reassessment and consultation with industry. Based on extensive consultations with industry, DEA has published proposed regulations intended to establish the least possible burden on industry while remaining consistent with the requirements of the law. Comments received on the proposed regulations are currently being reviewed.

Timetable:

Exemption Chemical Mixtures
 NPRM 09/16/98 (63 FR 49506)
 NPRM Comment Period End 04/16/99
 NPRM Comment Period Extended
 09/12/99 (64 FR 7144)
 Final Rule 10/00/03
 Comment Period End 12/00/03

**Exemption of Chemical Mixtures Containing
 the List I Chemicals Ephedrine, N-
 Methylephedrine, N-
 Methylpseudoephedrine,
 Norpseudoephedrine,
 Phenylpropanolamine, and
 Pseudoephedrine**

NPRM 09/16/98 (63 FR 49506)
 NPRM Comment Period End 04/06/99
 NPRM Comment Period Extended
 09/12/99 (64 FR 7144)
 Final Action 05/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: DEA-137

Agency Contact: Frank Sapienza,
 Chief, Drug and Chemical Evaluation
 Section, Department of Justice, Drug
 Enforcement Administration, Office of
 Diversion Control, Washington, DC
 20537
 Phone: 202 307-7183

RIN: 1117-AA31

**1709. CHEMICAL REGISTRATION AND
 REREGISTRATION FEES**

Priority: Other Significant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871 (b); 21 USC 875; 21 USC 877; 21 USC 958

CFR Citation: 21 CFR 1309

Legal Deadline: None

Abstract: In December 1999, the Drug Enforcement Administration (DEA) proposed to amend its application fees for registration and reregistration of manufacturers, distributors, importers, and exporters of List I chemicals, as authorized by section 3(a) of the Domestic Chemical Diversion Control Act of 1993 (DCDCA), reducing the fees from \$595.00 to \$326.00 for initial registration, and the reregistration fees from \$477.00 to \$171.00. Fees for retail registrants were proposed to increase from \$255.00 to \$326.00 for

DOJ—DEA

Final Rule Stage

registration, and from \$116.00 to \$171.00 for reregistration. Office of Management and Budget Circular A-25 requires a periodic review of user charges for agency programs. Subsequent to publication, concerns were raised about costs included in this user fee.

As DEA has noted in previous rulemakings on this subject, certain costs for investigative activities have not been included in previous fees. Specifically, costs for investigative activities including, but not limited to, extensive investigation and collection of documentation of violative practices by registrants, attorney review and preparation by DEA's Office of Chief Counsel, staff and attorney time to prepare for proceedings to deny or revoke a registration, and Administrative Law Judge and staff to conduct registration denial hearings were not included in previous fee calculations. Costs for these investigative activities have risen as DEA activities have increased necessitating the re-evaluation of this user fee. Based on these concerns, DEA will be publishing a notice to formally withdraw the rulemaking.

Timetable:

Action	Date
NPRM	12/01/99 64 FR 67216
NPRM Comment Period End	01/31/00
Notice: Withdrawing Rulemaking	10/00/03

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: DEA-185

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

Related RIN: Related To 1117-AA72

RIN: 1117-AA50

1710. PLACEMENT OF GAMMA-BUTYROLACTONE IN LIST I OF THE CONTROLLED SUBSTANCES ACT (21 U.S.C. 802)

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: Public Law 106-172, signed into law on February 18, 2000, and known as the "Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000" amends section 102(34) of the Controlled Substances Act as amended (CSA) by designating gamma-butyrolactone (GBL), the precursor to gamma-hydroxybutyric acid (GHB), as a List I chemical. Reflecting this change in statute, on April 24, 2000, the Drug Enforcement Administration (DEA) amended its regulations to reflect the status of GBL as a List I chemical subject to the requirements of the CSA and its regulations. Establishment of a threshold for GBL is the subject of a separate rulemaking, proposed on October 24, 2001. Therefore, unless and until a threshold is established, any distribution of GBL is a regulated transaction as described by 21 CFR 1300.02(b)(28). All handlers of GBL must comply with the CSA regulatory requirements pertaining to List I chemicals as described in the body of this document. Further, DEA is considering regulations regarding exemption of chemical mixtures containing GBL (RIN 1117-AA64).

Timetable:

Placement of Gamma-Butyrolactone in List I of the Controlled Substance Act (21 U.S.C. 802)

Final Rule 04/24/00 (65 FR 21645)

Threshold for Gamma-Butyrolactone

NPRM 10/24/01 (66 FR 53746)

Correction 12/12/01 (66 FR 64173)

NPRM Comment Period End 12/24/01

Final Action 07/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-199, DEA-203

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

Related RIN: Related To 1117-AA64

RIN: 1117-AA52

1711. CONTROL OF RED PHOSPHORUS, WHITE PHOSPHORUS, AND HYPOPHOSPHOROUS ACID (AND ITS SALTS) AS LIST I CHEMICALS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: Because of their use and importance in the illicit manufacture of methamphetamine, a Schedule II controlled substance, DEA is proposing the addition of red phosphorus, white phosphorus (also known as yellow phosphorus), and hypophosphorous acid (and its salts) as List I chemicals. These phosphorus chemicals have been identified as being important chemicals for the illicit production of methamphetamine. As List I chemicals, handlers of these materials will be subject to Controlled Substances Act (CSA) chemical regulatory controls including registration, recordkeeping, reporting, and import/export requirements. DEA has determined that these controls are necessary to prevent the diversion of these chemicals to clandestine drug laboratories.

DEA has conducted an extensive review of the phosphorus industry, publishing an Advanced Notice of Proposed Rulemaking. DEA's review indicated that there are only two domestic producers of white phosphorus and three producers of red phosphorus, or hypophosphorous acid (and its salts). While producers of white phosphorus will be required to register with DEA and maintain records of each regulated transaction (i.e., all transactions of these chemicals), over 98 percent of the phosphorus produced is converted to a form not impacted by this regulation. The remaining 2 percent of the phosphorus (used domestically) is utilized in its elemental form (i.e., as red phosphorus or white phosphorus) or used to produce all other phosphorus chemicals. Therefore, this regulation will only affect the distribution of less than 2 percent of the industry at the end user level. Further, DEA is considering regulations regarding the exemption of chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts).

DOJ—DEA

Final Rule Stage

Timetable:

Action	Date	
ANPRM	02/02/00	65 FR 4913
ANPRM Comment Period End	04/03/00	
NPRM	09/25/00	65 FR 57577
NPRM Comment Period End	11/24/00	
Final Rule	10/17/01	66 FR 52670
Comment Period End	11/16/01	
Final Action	05/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-198

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

Related RIN: Related To 1117-AA66

RIN: 1117-AA57

1712. ALLOWING CENTRAL FILL PHARMACIES TO FILL PRESCRIPTIONS FOR CONTROLLED SUBSTANCES ON BEHALF OF RETAIL PHARMACIES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871 (b); 21 USC 875; 21 USC 877

CFR Citation: 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307

Legal Deadline: None

Abstract: DEA is amending its regulations to provide for the use of central fill pharmacies, also known as refill pharmacies, fulfillment centers, or call centers. Unlike retail pharmacies which dispense controlled substances directly to the patient, central fill pharmacies provide a service to retail pharmacies by preparing and packaging prescriptions for retail pharmacies to dispense to the patient. Prescription information is transmitted from a retail pharmacy to a central fill pharmacy where the prescription is filled or refilled. The filled prescription is delivered to the retail pharmacy for pickup by the patient. Industry has expressed interest in utilizing central fill pharmacy operations to allow for

more efficient delivery of prescriptions to patients.

Timetable:

Action	Date	
NPRM	09/06/01	66 FR 46567
NPRM Comment Period End	11/05/01	
Final Action	06/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-208

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA58

1713. CHEMICAL MIXTURES CONTAINING GAMMA-BUTYROLACTONE

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: In previous rulemakings, DEA made gamma-butyrolactone (GBL) a List I chemical and established thresholds for transactions involving this chemical. DEA is requesting information from interested persons in order to propose regulations governing chemical mixtures containing gamma-butyrolactone (GBL), a List I chemical. Currently, all chemical mixtures containing GBL are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical mixtures (see RIN 1117-AA31). GBL is used in the illicit manufacture of GHB, a Schedule I controlled substance. Specifically, DEA is seeking information on the types of products containing GBL; the concentration levels of GBL in the product formulations; and the packaging, distribution, use, and commercial availability of these products. This information will help to determine whether there are chemical mixtures containing GBL which should be exempt from the regulations governing listed chemicals.

Timetable:

Action	Date	
ANPRM	07/19/02	67 FR 47493
Correction	08/19/02	67 FR 53842
Correction	09/05/02	67 FR 56776
ANPRM Comment Period End	09/17/02	
Interim Final Rule	11/00/03	
Interim Final Rule Comment Period End	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-222

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

Related RIN: Related To 1117-AA52, Related To 1117-AA31

RIN: 1117-AA64

1714. IMPLEMENTATION OF THE METHAMPHETAMINE ANTI-PROLIFERATION ACT: THRESHOLDS FOR RETAILERS AND FOR DISTRIBUTORS REQUIRED TO SUBMIT REPORTS UNDER 21 U.S.C. 830(B)(3); CHANGES TO MAIL ORDER REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 977; 21 USC 951; 21 USC 958; ...

CFR Citation: 21 CFR 1300; 21 CFR 1309; 21 CFR 1310

Legal Deadline: None

Abstract: This final rule is a conforming regulation that implements the provisions of the Methamphetamine Anti-Proliferation Act of 2000 (MAPA). For retailers and for distributors required to submit monthly mail order reports under 21 U.S.C. 830(b)(3), MAPA reduced the transaction thresholds for pseudoephedrine and phenylpropanolamine drug products to 9 grams per single transaction and added a package size restriction of 3 grams. MAPA added the requirement that distributors who are subject to submitting mail order reports must

DOJ—DEA

Final Rule Stage

report certain export transactions. To reduce the burden on the regulated industry, MAPA established certain exemptions to the mail order reporting requirement and gave DEA authority to grant additional exemptions as warranted.

Timetable:

Action	Date
Final Rule	06/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-210

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA69**1715. CONTROLLED SUBSTANCES REGISTRATION AND REREGISTRATION APPLICATION FEES****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; ...**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

Abstract: DEA is proposing to adjust the current fee schedule for DEA controlled substances registration to adequately recover necessary costs associated with the Diversion Control Program (DCP) as mandated by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993, section 111(b), Public Law 102-395. DEA published its last fee revision in 1993. Since that time, fees have remained unchanged. This NPRM proposes the fee structure under the existing registration system to fully support the operations of the DCP for

fiscal years 2003 through 2005. DEA is required by law to collect the full costs of the DCP.

Timetable:

Action	Date
NPRM	02/18/03 68 FR 7728
NPRM Comment Period End	04/21/03
Final Action	09/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-232

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA70

Department of Justice (DOJ)

Completed Actions

Drug Enforcement Administration (DEA)

1716. INDUSTRIAL USE OF PRODUCTS AND MATERIALS DERIVED FROM CANNABIS PLANTS**Priority:** Other Significant**CFR Citation:** 21 CFR 1308**Completed:**

Reason	Date
Final Action (Clarification of List of Tetra-hydrocannabinols)	03/21/03 68 FR 14114
Final Action (Exemption fr. Control of Cert Industr. Products & Material Derived Fr Cannabis Plant)	03/21/03 68 FR 14119
Final Action Effective (Clarification of List of Tetra-hydrocannabinols)	04/21/03
Final Action Effective (Exemption fr. Control of Cert.Indus. Products Derived fr.Cannabis Plant)	04/21/03

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Frank Sapienza
Phone: 202 307-7183

RIN: 1117-AA55**1717. • CORRECTION TO CODE OF FEDERAL REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

Abstract: DEA is hereby correcting title 21, Code of Federal Regulations, section 1310.04 to reinstate paragraph (g) which was inadvertently removed by a previous rulemaking. Paragraph (g) addresses listed chemicals for which no threshold has been established.

Prior to October 2001, this paragraph had listed only one chemical, ephedrine, as having no threshold. On October 17, 2001, three chemicals—red phosphorus, white phosphorus, and hypophosphorous acid (and its salts)—were added to paragraph (g) by final rulemaking. On March 28, 2002, DEA published another final rule amending 21 CFR 1310.04. In this rulemaking,

DEA failed to note the October 2001 amendments to paragraph (g) and thus removed the paragraph, and inserted its contents in paragraph (f). This final rule seeks to correct the inadvertent removal of paragraph (g) and its subparagraphs.

Timetable:

Action	Date
Final Rule	03/11/03 68 FR 11471
Final Rule Effective	03/11/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA 242

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA74

Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)

Proposed Rule Stage

1718. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES

Priority: Other Significant

Legal Authority: 5 USC 301; 3 CFR, 1949 to 1953 Comp, p 1002; 8 USC 1103; 8 USC 1252 note; 8 USC 1101 note; 8 USC 1362; 28 USC 509; 8 USC 1324b; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950, sec 2

CFR Citation: 8 CFR 1; 8 CFR 3

Legal Deadline: None

Abstract: This rule proposes to amend the regulations by implementing the statutory authority given to Immigration Judges to sanction by civil money penalty any action or inaction in contempt of the Judge's proper exercise of authority. This statutory authority is derived from section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208 (IIRIRA), September 30, 1996. This rule sets forth the types of conduct for which civil money penalty sanctions may be imposed, the procedures for imposing these sanctions, the affirmative defenses which may excuse the imposition of a civil money penalty sanction, and the procedures for appealing such sanctions. The rule also adds an additional ground for disciplinary sanctions under 8 CFR section 3.102 for engaging in a pattern and practice of conduct which has been found to be in contempt of the Immigration Judge's proper exercise of authority.

Timetable:

Action	Date
NPRM	12/00/03
NPRM Comment Period End	02/00/04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
 Phone: 703 305-0470

RIN: 1125-AA18

1719. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL FOR CERTAIN BATTERED SPOUSES AND CHILDREN; MOTIONS TO REOPEN FOR CERTAIN BATTERED SPOUSES AND CHILDREN

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224 to 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1251a; 8 USC 1252b; 8 USC 1324b; 8 USC 1362; 28 USC 509 to 510; 28 USC 1746; Reorg Plan No 2 of 1950; 3 CFR 1949 to 1953 Comp, sec 2; PL 105-100, sec 202-203; PL 105-277, sec 902; PL 106-386, sec 1506; PL 106-554, sec 1505; PL 106-554, sec 1510; 8 CFR 2; 8 CFR 3; 8 CFR 240

CFR Citation: 8 CFR 3; 8 CFR 240

Legal Deadline: None

Abstract: This rule amends Department regulations by establishing procedures incorporating the amended requirements of cancellation of removal for battered spouses and children under 240A(b)(2) of the Immigration and Nationality Act (Act), and suspension of deportation under former section 244(a)(3) of the Act (as it existed before April 1, 1997), which were amended by section 1504 of the Battered Immigrant Women Protection Act of 2000.

This rule also amends Department regulations by establishing procedures for certain battered spouses and children to reopen their removal or deportation proceedings to apply for the relief of cancellation of removal or suspension of deportation under 240(c)(6)(C)(iv) of the Act (as amended by section 1506 of the Battered Immigrant Women Protection Act of 2000).

Additionally, this rule establishes procedures which must be followed by EOIR when an alien applies for a domestic violence victim waiver under section 237(a)(7) of the Act (as amended by section 1505(b) of the Battered Immigrant Women Protection Act of 2000).

Timetable:

Action	Date
NPRM	12/00/03
NPRM Comment Period End	02/00/04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
 Phone: 703 305-0470

RIN: 1125-AA35

1720. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ATTORNEY/REPRESENTATIVE REGISTRY

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1362

CFR Citation: 8 CFR 1.1(f) and (g); 8 CFR 3.0(e)

Legal Deadline: None

Abstract: This proposed rule concerns the Attorney General's authority to authorize practitioners, as defined under 8 CFR sections 1.1(f) and (g), respectively, to represent aliens in immigration proceedings pursuant to statute. Under the pertinent statutory provision, aliens in immigration proceedings "shall have the privilege of being represented (at no expense to the government) by such counsel, authorized to practice in such proceedings, as he shall choose." 8 U.S.C. 1362

The proposed rule arises out of EOIR's electronic government initiatives which, when fully implemented, will enable electronic case access and filing for individuals in immigration proceedings before EOIR. In essence, the rule amends the current definitions of "attorney" and "representative," the classes of individuals authorized to represent aliens, to include only those persons who have registered with EOIR.

Additionally, the rule delegates authority to the Director to require such a registration, and to establish procedures for registration. In concert with that authority, the rule permits the Director to administratively suspend from practice before EOIR any practitioner who fails to comply with registration procedures and requirements.

Functionally, practitioners will be required to register with EOIR over a secure internet connection, by providing name, address(es), date-of-birth, last four digits of social security number, and bar admission data.

DOJ—EOIR

Proposed Rule Stage

Registered practitioners will be assigned a unique UserId and password that will authorize them to conduct electronic transactions with EOIR from desktop personal computers.

Registration of practitioners assures the functionality, security, and success of EOIR's electronic government initiative, and serves as a prerequisite to electronic case access and filing by practitioners.

The proposed practitioner registration rule furnishes the Attorney General with the optimum measure of adaptability to establish the criteria and procedures for practitioner registration, while also preserving fairness for regulated parties and ensuring efficiency in government operations.

Timetable:

Action	Date
NPRM	06/00/03
NPRM Comment Period End	08/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA39

1721. • REVIEW OF AN ARBITRATOR'S FINDINGS AND IMPOSING REMEDIES AGAINST EMPLOYERS HIRING H-1B VISA WORKERS OVER EQUALLY OR BETTER QUALIFIED U.S. WORKERS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103(a); 8 USC 1182(n); 8 USC 1324b

CFR Citation: 28 CFR 44

Legal Deadline: None

Abstract: This rule provides administrative review and the imposition of remedies for a "failure to select" cause of action under the American Competitiveness and Workforce Improvement Act of 1988. This new cause of action allows an aggrieved party to file a complaint

against a covered employer when it seeks to hire an H-1B visa holder over an equally or better qualified United States worker who applied for the job. Arbitrators of the Federal Mediation and Conciliation Service will adjudicate the complaints. The regulation also allows for a review of the Arbitrator's findings, if necessary, imposing remedies against the employer.

Timetable:

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA40

Department of Justice (DOJ)

Final Rule Stage

Executive Office for Immigration Review (EOIR)

1722. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224 to 1227; 8 USC 1251 to 1252; 8 USC 1362; PL 105-100, sec 202

CFR Citation: 8 CFR 240

Legal Deadline: None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review and the Immigration and Naturalization Service by eliminating the conditional grant process at 8 CFR 240.21 and establishing a permanent procedure for processing suspension of deportation and cancellation of removal cases. This rule is necessary to implement the numerical limitation on suspension of deportation and cancellation of removal and adjustment of status imposed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Nicaraguan

Adjustment and Central American Relief Act of 1997 (NACARA).

Timetable:

Action	Date
Interim Final Rule	09/30/98 63 FR 52134
Interim Final Rule Comment Period End	11/30/98
Final Action	08/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA25

1723. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1362; 28 USC 509 to 510; 28 USC 1746

CFR Citation: 8 CFR 3; 8 CFR 240; 28 CFR

Legal Deadline: None

Abstract: This rule outlines the authorities and powers (and limitations thereto) delegated by the Attorney General to the Director of the Executive Office for Immigration Review (EOIR), the Chairman of the Board of Immigration Appeals (BIA), and the Chief Immigration Judge. These authorities include such managerial responsibilities as: Issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR, the Chairman of the

DOJ—EOIR

Final Rule Stage

BIA, and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else. Further, the Director of EOIR cannot adjudicate cases.

Additionally, this rule makes technical amendments to better describe EOIR's components: The Board of Immigration Appeals (BIA), the Office of the Chief Immigration Judge (OCIJ), and the Office of the Chief Administrative Hearing Officer (OCAHO).

Timetable:

Action	Date
NPRM	12/26/00 65 FR 81434
NPRM Comment Period End	02/26/01
Final Action	02/00/04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA27

1724. MOTIONS TO REOPEN FOR SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL PURSUANT TO SECTION 1505(C) OF THE LIFE ACT AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1103, 1252 note, 1252b, 1324b, 1362; 28 USC 509 to 510; 28 USC 1746; sec 203 of PL 105-100; secs 1506 and 1510 of PL 106-386; sec 1505 of PL 106-554

CFR Citation: 8 CFR 3

Legal Deadline: None

Abstract: The rule amends the regulations of the Executive Office for Immigration Review (EOIR) by establishing a special procedure for the filing and adjudication of motions to reopen to apply for suspension of deportation and cancellation of removal pursuant to section 1505(c) of the Legal Immigration Family Equity Act Amendments of 2000 (LIFE Act Amendments). Motions to reopen under this rule must have been filed on or before October 16, 2001.

Timetable:

Action	Date
Interim Final Rule	07/17/01 66 FR 37119
Interim Final Rule Comment Period End	09/17/01
Final Action	08/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA31

1725. SECTION 212(C) RELIEF FOR ALIENS WITH CERTAIN CRIMINAL CONVICTIONS BEFORE APRIL 1, 1997

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; PL 105-110, sec 202-203; PL 105-277, sec 902; 8 CFR 2

CFR Citation: 8 CFR 3

Legal Deadline: None

Abstract: The rule amends the regulations of the EOIR and the INS by establishing procedures for certain lawful permanent residents (LPRs) with certain criminal convictions to apply for a waiver of inadmissibility pursuant to former section 212(c) of the INA. It is only applicable to certain LPRs whose convictions were prior to April 1, 1997. It applies to certain LPRs who have cases pending before EOIR or are under final administrative orders. This rule will broaden eligibility for INA section 212(c) relief in light of the recent Supreme Court decision in *INS v. St. Cyr*, 121 (S. Ct. 2271 (2001)).

Timetable:

Action	Date
NPRM	08/13/02 67 FR 52627
Correction	08/22/02 67 FR 54360
NPRM Comment Period End	10/15/02
Final Rule	07/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA33

1726. PROTECTIVE ORDERS IN IMMIGRATION ADMINISTRATION PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1101 note, 1103, 1231, 1252 note, 1252b, 1324b, 1253, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR 1949-1953 Comp, p 1002; section 203 of PL 105-100, 111 Stat 2196-200; sections 1506 and 1510 of PL 106-386, 114 Stat 1527-29, 1531-32; section 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

CFR Citation: 8 CFR 3

Legal Deadline: None

Abstract: This rule amends regulations governing the Executive Office for Immigration Review (EOIR) by authorizing immigration judges to issue protective orders to limit public disclosure of sensitive law enforcement or national defense information during immigration proceedings. The rule is applicable in all proceedings before immigration judges, but involves only a small number of cases.

Timetable:

Action	Date
Interim Final Rule	05/28/02 67 FR 36799
Interim Final Rule Comment Period End	07/29/02
Final Action	05/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA38

DOJ—EOIR

Final Rule Stage

1727. • TRANSFER OF JURISDICTION OVER APPEALS OF FINES FROM THE BOARD OF IMMIGRATION APPEALS TO THE OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 8 CFR 280.61**Legal Deadline:** None

Abstract: This final rule removes the Board of Immigration Appeals' (Board) jurisdiction over appeals of INS decisions involving administrative fines under part 280 of title 8 CFR, and transfers that authority to Office of the Chief Administrative Hearing Officer (OCAHO). Part 280 governs the

administration of fines under a variety of provisions of the Immigration and Nationality Act (INA), most of which pertain to common carriers. Most of the appeals are fines imposed under section 273 of the INA. The transfer is essentially a reallocation of agency resources within the Executive Office for Immigration Review to improve caseload management by substituting a different set of decision makers, the OCAHO for the Board, while preserving the same procedures for the adjudication of appeals.

Timetable:

Action	Date
NPRM	02/19/02 67 FR 7309

Action	Date
NPRM Comment Period End	03/21/02
Final Rule	10/00/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

Related RIN: Split From 1125-AA36**RIN:** 1125-AA41

Department of Justice (DOJ)

Completed Actions

Executive Office for Immigration Review (EOIR)

1728. • REORGANIZATION OF TITLE 8, CODE OF FEDERAL REGULATIONS**Priority:** Other Significant

Legal Authority: 3 CFR; 8 CFR 2; 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 226a; 8 USC 451; 8 USC 1101 to 1104; 8 USC 1151; 8 USC 1153 to 1155; 8 USC 1157 to 1159; 8 USC 1181 to 1184; 8 USC 1186a; 8 USC 1186b; 8 USC 1187; 8 USC 1201; 8 USC 1203; 8 USC 1221; 8 USC 1223 to 1229; 8 USC 1231; 8 USC 1251 to 1257; 8 USC 1259; 8 USC 1281 to 1286; 8 USC 1301 to 1305; 8 USC 1322 to 1323; 8 USC 1324a; 8 USC 1324b; 8 USC 1324c; 8 USC 1330; 8 USC 1356 to 1357; 8 USC 1359; 8 USC 1362; 8 USC 1372; 8 USC 1429; 8 USC 1443; 8 USC 1448; 18 USC 4002; 18 USC 4013(a)(4); 18 USC 4013(c)(4); 28 USC 509 to 510; 28 USC 1746; 31 USC 9701; 48 USC 1901 note; 48 USC 1931 note; Homeland Security Act of 2002; Proc 3004; PL 101-410, secs 103 and 104; sec 141 of the Compacts of Free Association With the Federated States of Micron; sec 2, Reorg. Plan No. 2 of 1950; secs 202 and 203 of PL 105-100; secs 262, 289, and 643 of PL 104-208; secs 1506 and 1510 of PL 106-386; sec 1505 of PL 106-554; sec 902, PL 105-227; EO 12356; 18 FR 489; 47 FR 14874; 47 FR 15557; 3 CFR, 1949 to 1953 Comp, p 1002; 1953 Supp Interpret or apply sec 215; 3 CFR, 1982 Comp, p 166; 104 Stat 890, as amended by PL 104-134; 110 Stat 1321; 110 Stat 3309-708; 111 Stat 2160; 111 Stat 2193; 111 Stat 2196-200; 112 Stat 2681; 114 Stat 2763a-326

to -328; 114 Stat 1531-32; 114 Stat 1527-29; 45 Stat 401; 54 Stat 670; 66 Stat 173-174; 66 Stat 190; 66 Stat 195; 66 Stat 197; 66 Stat 201; 66 Stat 203; 66 Stat 212; 66 Stat 219; 66 Stat 221-224; 66 Stat 226-227; 66 Stat 230; 66 Stat 234

CFR Citation: 8 CFR 1; 8 CFR 3; 8 CFR 101; 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 207; 8 CFR 208; 8 CFR 209; 8 CFR 211; 8 CFR 212; 8 CFR 214; 8 CFR 215; 8 CFR 216; 8 CFR 235; 8 CFR 236; 8 CFR 238; 8 CFR 239; 8 CFR 240; 8 CFR 241; 8 CFR 244; 8 CFR 245; 8 CFR 246; 8 CFR 249; 8 CFR 270; 8 CFR 274a; 8 CFR 280; 8 CFR 287; 8 CFR 292; 8 CFR 337; 8 CFR 507; 8 CFR 1001; 8 CFR 1003; 8 CFR 1101; 8 CFR 1103; 8 CFR 1204; 8 CFR 1205; 8 CFR 1207; 8 CFR 1208; 8 CFR 1209; 8 CFR 1211; 8 CFR 1212; 8 CFR 1214; 8 CFR 1215; 8 CFR 1216; 8 CFR 1235; 8 CFR 1236; 8 CFR 1238; 8 CFR 1239; 8 CFR 1240; 8 CFR 1241; 8 CFR 1244; 8 CFR 1245; 8 CFR 1246; 8 CFR 1249; 8 CFR 1270; 8 CFR 1274a; 8 CFR 1280; 8 CFR 1287; 8 CFR 1292; 8 CFR 1299; 8 CFR 1337; 28 CFR 200

Legal Deadline: None

Abstract: The Homeland Security Act of 2002, as amended (HSA), transfers the functions of the Immigration and Nationality Service (INS) to the Department of Homeland Security (DHS). The HSA also retains in the Department of Justice, under the direction of the Attorney General, the Executive Office for Immigration

Review. This final rule is a technical rule. It reflects the transfer of the functions of the INS to DHS through the division of jurisdiction over regulations currently codified in 8 CFR chapter I. A new chapter V has been created in parallel to the existing structure of chapter I. This rule transfers to chapter V those parts and sections that deal with procedures before immigration judges and the Board of Immigration Appeals. This rule also duplicates in chapter V a number of parts and sections that affect both the EOIR and the INS, such as the asylum regulations. For example, in asylum proceedings before immigration judges, applicable provisions of chapter I, part 208 (e.g., 8 CFR 208.15(a)) are established in parallel in chapter V, part 1208 (e.g., 8 CFR 1208.15(a)).

Timetable:

Action	Date
Final Rule	02/28/03 68 FR 9824
Final Rule Effective	02/28/03
Technical Amendment	03/05/03 68 FR 10349

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041

DOJ—EOIR

Completed Actions

Phone: 703 305-0470

RIN: 1125-AA42

Department of Justice (DOJ)
Federal Bureau of Investigation (FBI)
Final Rule Stage
1729. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT
Priority: Other Significant**Legal Authority:** PL 103-414

Communications Assistance for Law Enforcement Act; PL 104-208 Omnibus Consolidated Appropriations Act of 1997

CFR Citation: 28 CFR 100**Legal Deadline:** Other, Statutory, October 25, 1998, While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC exercised (continued in Additional Information).

Abstract: As required by section 109 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI promulgated Cost Recovery Regulations allowing telecommunications carriers to recover certain costs associated with implementing CALEA. The final rule was published on March 20, 1997 (62 FR 13307), and became effective on April 21, 1997. In response to public comment received during this rulemaking, the FBI published an ANPRM on November 19, 1996 (61 FR 58799), which solicited input on the definition of the term "significant upgrade or major modification" as used by CALEA. The "significant upgrade or major modification" NPRM was published on April 28, 1998 (63 FR 23231). The FBI is currently preparing a supplemental notice of proposed rulemaking, which will define the terms "replaced" and "significantly upgraded or otherwise undergone major modification," which when codified will amend the Cost Recovery Regulations.

Additionally, CALEA section 104 requires the Attorney General to publish 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. For local exchange, cellular, and

broadband PCS, the FBI published an Initial Notice of Capacity on October 16, 1995 (60 FR 53643), and a Second Notice of Capacity on January 14, 1997 (62 FR 1902). The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218). Additionally, the FBI published a Notice of Inquiry (NOI) in the Federal Register on December 18, 1998 (63 FR 70160), which solicited information on and suggestions for developing reasonable methodologies for characterizing capacity requirements for telecommunications services and technologies other than local exchange, cellular, and broadband PCS. Comments were due on February 16, 1999. Information gathered in response to the NOI was used in publishing the Further Notice of Inquiry (FNOI) on June 30, 2000 (65 FR 40694). Comments were due August 29, 2000. Information gathered in response to the FNOI will be used in the publication of an Initial Notice of Capacity for developing reasonable capacity methodologies for the paging, mobile satellite, specialized mobile radio, and enhanced specialized mobile radio services.

Timetable:**"Significant upgrade or major modification"**

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 09/00/03

Cost Recovery Rule (Telecom. Carriers)

NPRM 05/10/96 (61 FR 21396)
 NPRM Comment Period End 07/09/96
 Final Rule 03/20/97 (62 FR 13307)
 Final Rule Effective 04/21/97

Notice of Actual and Max. Cap.-local exch, cellular, broadb PCS

Initial Notice 10/16/95 (60 FR 53643)
 Second Notice 01/14/97 (62 FR 1902)
 Final Notice 03/12/98 (63 FR 12217)

Notice of Actual and Max. Cap.-paging, MSS, SMR, ESMR

Notice of Inquiry (Cap Methodology) 12/18/98 (63 FR 70160)
 Further Notice of Inquiry (Cap Methodology) 06/30/00 (65 FR 40694)
 Initial Notice of Capacity 04/00/04

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: STATUTORY DEADLINE CONT: its authority under section 107 of CALEA to grant carriers extensions of this compliance date. As a result of the FCC's order, carriers must now be in compliance with section 103 by June 30, 2000. If compliance is not reasonably achievable through application of available technology, the carrier may petition the FCC for a section 107 extension of up to 2 years. By subsequent FCC orders, the assistance capability compliance date for packet mode communication is November 19, 2001, and for the additional capabilities/"punchlist" capabilities is June 30, 2002. Carriers may again petition the FCC for a section 107 extension. Lastly, as a result of the publication of the Final Notice of Capacity for local exchange, cellular, and broadband PCS carriers, these carriers must be in compliance with section 104 by March 12, 2001.

Transferred from RIN 1105-AA39.

See also RIN 1110-AA10.

Agency Contact: Walter V. Meslar, Unit Chief, Telecommunications Contracts and Audit Unit, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151
 Phone: 703 814-4900

Leslie M. Szwajkowski, Unit Chief, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151
 Phone: 703 814-4800

DOJ—FBI

Final Rule Stage

Fax: 703 814-4750

RIN: 1110-AA00

1730. 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
NPRM	04/09/02 67 FR 17027
NPRM Comment Period End	06/10/02
Final Action	11/00/03

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** (RIN 1110-AA01 has been transferred from RIN 1105-AA44.)

The Criminal Division will issue a related regulation to implement the National Motor Vehicle Title Information System (NMTIS). 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 NMTIS concerning vehicles in their possession. (See RIN 1105-AA71.)

Agency Contact: Buffy M. Bonafield, Criminal Info Coordination, Department of Justice, Federal Bureau of Investigation, CJIS Division Module C-3, Clarksburg, WV 26306
Phone: 304 625-2000
Fax: 304 625-3875

RIN: 1110-AA01

1731. 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. The Bureau published its proposed rule on February 16, 1999, at 64 FR 7562.

Timetable:

Action	Date
NPRM	02/16/99 64 FR 7562
NPRM Comment Period End	04/19/99
Final Action	01/00/04

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Tribal**Additional Information:** Transferred from RIN 1105-AA56.

Agency Contact: Susan R. Davis, Management Analyst, Department of Justice, Federal Bureau of Investigation, CJIS Division MOD C3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2000

RIN: 1110-AA04

1732. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM**Priority:** Other Significant**Legal Authority:** 18 USC 922 to 925; 5 USC 605(b); EO 12866; EO 13132; 5 USC 804; ...**CFR Citation:** 28 CFR 25(b)(1); 28 CFR 25(b)(2); 28 CFR 25(b)(3); 28 CFR 25.9(b)(4); 28 CFR 25.2; ...

Legal Deadline: Other, Judicial, October 22, 2001, Written comments regarding proposed rule must be submitted on or before.

Abstract: The Department promulgated regulations to govern the National Instant Criminal Background Check System (NICS) in 1998 when the NICS became operational, and adopted amendments which became effective on July 3, 2001.

In this proposed rule, the Department published for public comment and further consideration five proposals to make additional changes in the NICS regulations. The proposed changes balance the legitimate privacy interests of law-abiding firearms purchasers and the Department's obligation to enforce the Brady Act and the Gun Control Act to prevent prohibited persons from purchasing firearms.

Timetable:

Action	Date
NPRM	07/06/01 66 FR 35567
NPRM Comment Period End	09/04/01
NPRM Comment Period Reopened	09/20/01 66 FR 48390
NPRM Reopened Comment Period End	10/22/01
Final Action	12/00/03

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

Agency Contact: Fanny L. Haslebacher, Attorney Advisor, Access Integrity Unit, Department of Justice, Federal Bureau of Investigation, CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306-0147
Phone: 304 625-2000

RIN: 1110-AA07

DOJ—FBI

Final Rule Stage

1733. CLAIMS OF EXEMPTIONS FROM PROVISIONS OF THE PRIVACY ACT AS TO FBI RECORDS**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 552a**CFR Citation:** 28 CFR 16.96**Legal Deadline:** None

Abstract: This rule clarifies the meaning of 28 CFR 16.96 “Exemption of Federal Bureau of Investigation Systems—Limited Access” by reorganizing the material and amplifying the reasons for exempting various FBI record systems from some provisions of the Privacy Act. The benefits will be greater ease of use by the public and more understandable, targeted claims of exemptions.

Timetable:

Action	Date
NPRM	01/31/03 68 FR 4974
NPRM Comment Period End	03/03/03
Final Action	07/00/03

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Beth Haley, Assistant General Counsel, Department of Justice, Federal Bureau of Investigation, Room 7338, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW, Washington, DC 20535-0001
Phone: 202 324-4523

David M. Hardy, Supervisory Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, 6296, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW, Washington, DC 20535-0001
Phone: 202 324-3000

RIN: 1110-AA08**1734. • FINAL NOTICE OF CAPACITY; SUPPLEMENT TO RESPOND TO REMAND (SECTION 610 REVIEW)****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.

This Supplemental Notice provides further explanation for the FBI’s interpretation of the term “simultaneously,” and sets 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 sets forth new guidance that will reduce the requirements for simultaneous communications interceptions applicable to carriers operating in regions with high capacity requirements. This is being done to reduce the concerns raised by the Court of Appeals that such carriers could be unduly burdened with requirements to accommodate an unduly high number of simultaneous interceptions.

Timetable:

Action	Date
Final Rule	08/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** See also RIN 1110-AA00.

Agency Contact: Leslie M. Szwajkowski, Unit Chief, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151
Phone: 703 814-4800
Fax: 703 814-4750

RIN: 1110-AA10

Department of Justice (DOJ)

Proposed Rule Stage

Legal Activities (LA)**1735. MOTOR VEHICLE SALVAGE REGULATIONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 30504**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Attorney General is required to issue regulations directing junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the National Motor Vehicle Title Information System (NMVTIS) concerning vehicles in their possession. The reports are required by statute, 49 U.S.C. section 30504(a) and (b), to provide the vehicle identification

numbers, the date on which the vehicle was obtained, and the name of the individual or entity from whom the vehicle was obtained. Salvage and junk yard operators are also required to provide a statement of whether the automobile was crushed or disposed of for sale or other purposes. Insurance carriers are also required to provide the name of the owner of the automobile at the time the report is filed.

DOJ—LA

Proposed Rule Stage

Timetable:

Action	Date
NPRM	11/00/03
NPRM Comment Period End	01/00/04

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: On a related issue, the FBI expects to issue regulations implementing the National Stolen Passenger Motor Vehicle Information System (NSPMVIS). (See RIN 1110-AA01.)

Agency Contact: Deborah Sorkin, Trial Attorney, Department of Justice, Office of Enforcement Operations, Criminal Division, 1301 New York Avenue NW, Washington, DC 20530
Phone: 202 305-4023
Fax: 202 305-0562

RIN: 1105-AA71

**Department of Justice (DOJ)
Legal Activities (LA)**

Final Rule Stage

**1736. FOREIGN AGENTS
REGISTRATION ACT; REGULATIONS
REVISED AND CLARIFIED TO
REFLECT CHANGES IN THE LAW**

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 611 et seq
Foreign Agents Registration Act of 1938

CFR Citation: 28 CFR 5.5(d)(10); 28 CFR 5.203(a); 28 CFR 5.204(a); 28 CFR 5.205(a); 28 CFR 5.206(b); 28 CFR 5.304(c); 28 CFR 5.306(a); 28 CFR 5.5(d)(11); 28 CFR 5.100(c); 28 CFR 5.100(d); 28 CFR 5.200(b); 28 CFR 5.201(a)(1); 28 CFR 5.201(a)(2); 28 CFR 5.202(b); 28 CFR 5.202(e); ...

Legal Deadline: None

Abstract: As a result of the passage of the Lobbying Disclosure Act of 1995 (LDA) and the Lobbying Disclosure Technical Amendments Act of 1998 (LDTAA), the Foreign Agents Registration Unit of the Criminal Division is issuing new regulations concerning changes in the Foreign Agents Registration Act of 1938 (FARA), as amended, 22 U.S.C. 611, et seq. These regulations replace the term "political propaganda" in the existing regulations with "informational materials" as provided in the LDA and make other changes to the FARA regulations required by the passage of the LDA and the LDTAA. The regulations also make other modifications to the existing regulations to facilitate the administration of FARA.

Timetable:

Action	Date
NPRM	07/09/99 64 FR 37065
NPRM Comment Period End	09/07/99
Final Action	06/00/03
Final Action Effective	07/00/03

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: CFR CITATIONS CONT: 28 CFR 5.307; 28 CFR 5.400(a) to (c); 28 CFR 5.401; 28 CFR 5.402(a) to (g); 28 CFR 5.500(a)(4); 28 CFR 5.600; 28 CFR 5.601(a); 28 CFR 5.601(b).

Agency Contact: Marshall R. Williams, Chief, Registration Unit, Counterespionage Section, Criminal Division, Department of Justice, Room 9300, 1400 New York Avenue NW, Washington, DC 20530
Phone: 202 514-1216

RIN: 1105-AA45

**1737. CERTIFICATION AND
DECERTIFICATION IN CONNECTION
WITH CERTAIN SUITS BASED UPON
ACTS OR OMISSIONS OF FEDERAL
EMPLOYEES AND OTHER PERSONS**

Priority: Substantive, Nonsignificant

Legal Authority: 28 USC 2679(b)

CFR Citation: 28 CFR 15

Legal Deadline: None

Abstract: This rule revises 28 CFR part 15, pertaining to the defense of certain suits against Federal employees, to conform the regulations to changes made by the Federal Employee Liability Reform and Tort Compensation Act, Public Law 100-694. Under prior law, the defense of suits against Federal employees for torts committed in the scope of their employment was limited to claims involving the operation of motor vehicles. Public Law 100-694 expanded the coverage of the immunity provisions to include all common law torts committed by Federal employees in the scope of their employment. This rule conforms the Department's regulations to the expanded coverage of the statute.

Timetable:

Action	Date
NPRM	10/22/02 67 FR 64844
NPRM Comment Period End	12/23/02
Final Action	07/00/03

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

Additional Information: CIV 102

Agency Contact: James G. Touhey Jr., Trial Attorney, Torts Branch, Department of Justice, P.O. Box 888, Benjamin Franklin Station, Washington, DC 20004

Phone: 202 616-4292

RIN: 1105-AA62

**1738. DESIGNATION OF AGENCIES
TO RECEIVE AND INVESTIGATE
REPORTS REQUIRED UNDER THE
PROTECTION OF CHILDREN FROM
SEXUAL PREDATORS ACT**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13032

CFR Citation: 28 CFR 81

Legal Deadline: NPRM, Statutory, April 28, 1999.

Abstract: On October 30, 1998, Congress passed the Protection of Children from Sexual Predators Act of 1998 (PCSPA). The PCSPA requires providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to "designate an agency" to receive and investigate such

DOJ—LA

Final Rule Stage

reports of child pornography. The proposed rule previously published set forth the Attorney General's proposed designations and certain other matters covered by the PCSPA's reporting requirements.

On November 29, 1999, as part of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, Congress amended 42 U.S.C. 13032 to require providers to report such incidents to the Cyber Tipline at the National Center for Missing and Exploited Children (NCMEC), which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. An interim final rule is being prepared that will reflect the change in the Agency to receive the reports and designating law enforcement agencies with whom NCMEC may share the reports.

Timetable:

Action	Date
NPRM	05/26/99 64 FR 28422
NPRM Comment Period End	07/26/99
Interim Final Rule	05/00/03
Interim Final Rule Comment Period End	06/00/03

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Andrew Oosterbaan, Chief, Child Exploitation and Obscenity Section, Department of Justice, 1400 New York Avenue NW, Suite 600, Washington, DC 20530
Phone: 202 514-5780

RIN: 1105-AA65

1739. ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT**Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 530B**CFR Citation:** 28 CFR 77**Legal Deadline:** Final, Statutory, April 19, 1999.

Abstract: This rule supersedes the Department of Justice regulations relating to Communications with Represented Persons and implements 28 U.S.C. 530B pertaining to ethical standards for attorneys for the Government. Under that provision, an attorney for the Government shall be subject to State laws and rules, and local Federal court rules governing

attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State. This rule fulfills the Attorney General's obligation under section 530B and provides guidance to all Department of Justice employees who are subject to section 530B regarding their obligations and responsibilities under this new provision.

Timetable:

Action	Date
Interim Final Rule	04/19/99 64 FR 19273
Interim Final Rule Comment Period End	06/21/99
Final Action	11/00/03

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Claudia J. Flynn, Director, Professional Responsibility Advisory Office, Department of Justice, Suite 500, National Theatre Building, 1325 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 514-0458
Fax: 202 353-7491

RIN: 1105-AA67

1740. CLAIMS UNDER THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000; AMENDMENTS CONTAINED IN THE DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT OF 2002**Priority:** Other Significant

Legal Authority: 42 USC 2210 note, Radiation Exposure Compensation Act; PL 106-245, Radiation Exposure Compensation Act Amendments of 2000; PL 106-553; PL 107-273, 21st Century Department of Justice Appropriations Act

CFR Citation: 28 CFR 79**Legal Deadline:** Final, Statutory, January 6, 2001.

Abstract: Several recent legislative enactments have revised provisions of the Radiation Exposure Compensation Act, both procedurally and substantively. Many of the revisions have required the issuance of proposed regulations for public notice and comment—other revisions have been technical in nature and have been implemented in a final rulemaking.

On November 2, 2002, the President signed the 21st Century Department of Justice Appropriation Authorization Act (Pub. L. 107-273). Section 11007 of Public Law 107-273 contains amendments to the Radiation Exposure Compensation Act (RECA), that are technical in nature. Although conforming changes need to be made to the regulations implementing RECA to reflect those technical changes, Public Law 107-273 does not impose a deadline for issuing regulations implementing the changes.

On August 7, 2002, the Department issued two related rulemakings to implement amendments to RECA, enacted on July 10, 2000. The first is a final rule (CIV 100) which made changes consistent with the 2000 law. This final rule expands the list of diseases that are compensable for "downwinder" and "onsite participant" claimants; eliminates smoking distinctions; amends the list of geographical areas to provide additional radiation-affected areas for "downwinder" claimants; modifies the burden of proof for purposes of claims processing; allows claimants who have previously been denied compensation to file up to three times; and makes other technical revisions consistent with the changes to the law. As a result of the passage of Public Law 107-273 on November 2, 2002, this final rule requires additional revisions.

The second rulemaking issued on August 7, 2002, is a proposed rule (CIV 101). The public comment period which initially closed on October 7, 2002, was extended for an additional period. That period expired on January 27, 2003. Over 100 comments were received by the Department. The proposed rule describes the expanded population of eligible uranium mine workers created by lowering the radiation exposure threshold for miners; identifies the new uranium mining states with respect to which miners may be eligible for compensation; includes provisions for compensation to aboveground miners; sets forth employment eligibility criteria for the new claimant categories (millers and ore transporters); describes the documentation that would be required to establish proof of employment in a uranium mine or mill or as an ore transporter; describes the medical documentation necessary to establish the existence of renal cancer and chronic renal disease; and revises

DOJ—LA

Final Rule Stage

the provision concerning representation of claimants before the Department with respect to claims brought under the Act. As with the final rule discussed above, passage of Public Law 107-273 on November 2, 2002, requires additional revisions to this proposed rule.

In light of the further technical changes that need to be made to implement Public Law 107-273, the Department intends to issue one final rule that will accomplish several goals: (1) Requisite technical revisions will be made to CIV 100 consistent with Public Law 107-273; (2) discuss comments received on the proposed rule (CIV 101); and (3) reflect relevant changes made by the Department in connection with those comments.

Timetable:**CIV 100 - Technical Amendments**

Final Action 08/07/02 (67 FR 51422)

CIV 101 - Expansion of Coverage

NPRM 08/07/02 (67 FR 51440)

NPRM Comment Period End 10/07/02

NPRM Extension of Comment Period End 01/27/03

Final Action 06/00/03

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Dianne S. Spellberg, Senior Counsel, Department of Justice, Room 3123, 1425 New York Avenue NW, Civil Division, Torts Branch, Washington, DC 20005

Phone: 202 616-4129

Fax: 202 616-4313

Email: dianne.spellberg@usdoj.gov

RIN: 1105-AA75**1741. DNA SAMPLING OF FEDERAL OFFENDERS UNDER THE USA PATRIOT ACT OF 2001****Priority:** Other Significant

Legal Authority: 28 USC 509; 28 USC 510; 42 USC 14132; 41 USC 14135a; 42 USC 14135b; 10 USC 1565; PL 106-546

CFR Citation: 28 CFR 28

Legal Deadline: Other, Statutory, April 18, 2001, Determination of qualifying Federal offenses.

Final, Statutory, June 17, 2001, Commencement of collection of DNA samples.

Abstract: Section 3 of Public Law 106-546, the DNA Analysis Backlog Elimination Act of 2000 (the Act),

requires the collection of DNA samples from certain categories of Federal offenders. In addition, the Act details the responsibilities of the Bureau of Prisons and Federal probation offices to collect DNA samples from offenders in their custody or supervision, and the responsibility of the FBI to analyze and index DNA samples.

On June 28, 2001, the Department of Justice published an interim rule to implement section 3 and related provisions of Public Law 106-546, the DNA Analysis Backlog Elimination Act of 2000 (66 FR 34363; June 28, 2001). That rule, in part, specified the federal offenses that are treated as "qualifying Federal offenses" for purposes of collecting DNA samples from federal offenders.

Subsequent to the publication of that interim rule, Congress enacted Public Law 107-56, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001. Section 503 of the USA PATRIOT Act added three new categories of qualifying Federal offenses for purposes of DNA sample collection: (1) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code; (2) any crime of violence (as defined in section 16 of title 18, United States Code); and (3) any attempt or conspiracy to commit any of the above offenses. Section 503 authorized the Attorney General to determine which offenses are included in these additional categories. The purpose of this proposed rule is to revise a section of the existing regulations, 28 CFR 28.2, to add the offenses in these three new categories.

Timetable:

Action	Date
Interim Final Rule	06/28/01 66 FR 34363
Interim Final Rule Comment Period End	08/27/01
NPRM	03/11/03 68 FR 11481
NPRM Comment Period End	04/10/03
Final Action	08/00/03

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530

Phone: 202 514-3273

RIN: 1105-AA78**1742. • MINIMUM QUALIFICATIONS FOR ANNUITY BROKERS IN CONNECTION WITH STRUCTURED SETTLEMENTS ENTERED INTO BY THE UNITED STATES****Priority:** Other Significant**Legal Authority:** PL 107-273, sec 11015**CFR Citation:** 28 CFR 50**Legal Deadline:** Final, Statutory, May 2, 2003.

Abstract: This rule implements section 11015(a) of Public Law 107-273, the 21st Century Department of Justice Appropriations Authorization Act, which was enacted on November 2, 2002. Section 11015(a) provides: "Not later than 6 months after the date of enactment of this Act, the Attorney General shall establish a list of annuity brokers who meet minimum qualifications for providing annuity brokerage services in connection with structured settlements entered by the United States. This list shall be updated upon request by any annuity broker that meets the minimum qualifications for inclusion on the list. The Attorney General shall transmit such list, and any updates to such list, to all United States Attorneys." The rule sets forth the minimum qualifications for an annuity broker to be included on the list and the procedures to be followed by individual annuity brokers who desire to be listed.

To be considered for inclusion on the initial list to be transmitted to all United States Attorneys, annuity brokers must submit the Declaration set forth on the Civil Division web site to the Department of Justice's Torts Branch at the address provided below by no later than April 24, 2003. (A copy of the Declaration is also included as an appendix to this rule, but will not be included in the Code of Federal Regulations, as it may be revised later. The most current version of the Declaration will be available for download on the Civil Division's web site.) Submissions received after April 24, 2003, will be considered for inclusion in the next update of the list. The list will be revised periodically, but not more often than twice every calendar year, beginning with calendar year 2004.

DOJ—LA

Final Rule Stage

Timetable:

Action	Date
Interim Final Rule	04/15/03 68 FR 18119
Interim Final Rule Comment Period End	07/14/03
Final Action	03/00/04

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Kenneth L. Zwick,
Director, Office of Management
Programs, Department of Justice, CivilDivision, Room 3140, 950 Pennsylvania
Avenue NW, Washington, DC 20530
Phone: 202 514-4552
TDD Phone: 888 560-8044**RIN:** 1105-AA82**Department of Justice (DOJ)
Legal Activities (LA)****Long-Term Actions****1743. WAIVER FOR FIREARM
PROHIBITION ON NONIMMIGRANT
VISA HOLDERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 25**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Frank A.S. Campbell
Phone: 202 514-2283**RIN:** 1105-AA66**1744. ENHANCED NOTICE AND
RELEASE PROCEDURES FOR
OWNERS OF SEIZED PROPERTY
PURSUANT TO THE CAFRA OF 2000;
DISPOSITION OF SEIZED PROPERTY
TOO COSTLY TO MAINTAIN;
CONSOLIDATION OF DEPARTMENT
REGULATIONS****Priority:** Other Significant**CFR Citation:** 8 CFR 274; 21 CFR 1316;
28 CFR 8 (Revision); 28 CFR 9
(Revision)**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** John Hieronymus
Phone: 202 307-7636Maury V. Taylor
Phone: 202 324-9700**RIN:** 1105-AA74**Department of Justice (DOJ)
Legal Activities (LA)****Completed Actions****1745. ESTABLISHMENT OF MINIMUM
SAFETY AND SECURITY STANDARDS
FOR PRIVATE COMPANIES THAT
TRANSPORT VIOLENT PRISONERS****Priority:** Other Significant**CFR Citation:** 20 CFR 97**Completed:**

Reason	Date
Final Action	12/26/02 67 FR 78699

**Regulatory Flexibility Analysis
Required:** Yes**Government Levels Affected:** None**Agency Contact:** Lizette D. Benedi
Phone: 202 514-3824**RIN:** 1105-AA77**1746. SCREENING OF ALIENS AND
OTHER DESIGNATED INDIVIDUALS
SEEKING FLIGHT TRAINING****Priority:** Other Significant**CFR Citation:** 28 CFR 105**Completed:**

Reason	Date
Final Action	02/13/03 68 FR 7317
Final Action Effective	03/17/03

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Keith E. Halsey
Phone: 703 414-9535**RIN:** 1105-AA80**1747. GUIDELINES FOR THE CAMPUS
SEX CRIMES PREVENTION ACT
AMENDMENT TO THE JACOB
WETTERLING CRIMES AGAINST
CHILDREN AND SEXUALLY VIOLENT
OFFENDER REGISTRATION ACT****Priority:** Info./Admin./Other**CFR Citation:** None**Completed:**

Reason	Date
Final Guidelines	10/25/02 67 FR 65598

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** State**Agency Contact:** David J. Karp
Phone: 202 514-3273**RIN:** 1105-AA81

Department of Justice (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1748. CORRECTIONAL FACILITIES ON TRIBAL LANDS GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13701 et seq

CFR Citation: 28 CFR 91

Legal Deadline: None

Abstract: The Office of Justice Programs is issuing this second Notice of Proposed Rulemaking to amend the title and the definitions of "Indian tribe" and "construction" within 28 CFR part 91, subpart C (which outlines the requirements and procedures to award grants to Indian tribes for constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction). Congress has mandated a new definition of "Indian tribe," and with this broader definition Federal funds through the Office of Justice Programs are now available to a larger universe of tribal entities. The amendment to the definition of "construction" is simply to expand and clarify the existing definition, to assist applicants and grantees in better understanding the allowable scope a project may take.

Timetable:

Action	Date
Interim Final Rule	09/24/96 61 FR 49969
Correction	10/18/96 61 FR 54333
Interim Final Rule	10/24/96
Comment Period End	
Second NPRM	06/00/03
Second NPRM	08/00/03
Comment Period End	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Tribal

Agency Contact: Philip Merkle, Special Advisor to the Director, Department of Justice, Office of Justice Programs, Correction Program Office, 810 7th Street NW, Washington, DC 20531

Phone: 202 305-2550

RIN: 1121-AA41

1749. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 3711 et seq

CFR Citation: 28 CFR 32

Legal Deadline: None

Abstract: The Bureau of Justice Assistance will be proposing a major, substantive revision of the existing regulations (28 CFR part 32) that govern the Public Safety Officers' Benefits (PSOB) Program, to streamline all aspects of the program and relieve claimants of administrative burdens no longer deemed necessary. Further, the program will need to change as BJA moves into a paperless, electronic, Web-based application/review/payment program. The proposed revised regulations will affect all components of the program: Death benefits, disability benefits, education benefits, and the related administrative components governing hearing officers and independent medical examinations. As the result of the September 11, 2001, terrorist attacks, the PSOB program is expected to make awards totaling more than \$100 million this year.

Timetable:

Action	Date
NPRM	06/00/03
NPRM Comment	08/00/03
Period End	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Camille Cain, Deputy Director for Programs, Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 810 7th Street NW, Washington, DC 20531
 Phone: 202 616-6500

RIN: 1121-AA56

1750. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 3711

CFR Citation: 28 CFR 23

Legal Deadline: None

Abstract: The purpose of this regulation is to assure that all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968 are used as authorized by law. This revision of 28 CFR part 23 updates the regulation for modern technological advances, extends the use of criminal intelligence systems for public safety purposes, and is drafted in plainer language.

Timetable:

Action	Date
NPRM	08/00/03
NPRM Comment	10/00/03
Period End	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Alan M. Fisher, Attorney-Advisor, Department of Justice, Office of Justice Programs, Room 5341, Office of the General Counsel, 810 Seventh Street NW, Washington, DC 20531-0001
 Phone: 202 616-3540
 Fax: 202 307-1419
 Email: fisheral@ojp.usdoj.gov

RIN: 1121-AA59

1751. VICTIMS OF CRIME ACT (VOCA) PROGRAM REGULATIONS FOR THE VICTIM COMPENSATION GRANT PROGRAM AND VICTIM ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 10604, sec 1407(a), Victims of Crime Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Victims of Crime Act (VOCA) funds are obtained from the Crime Victims Fund in the U.S. Treasury, which consists of fines, fees, and bond forfeitures from Federal offenders.

The program regulations for the Victim Compensation Grant Program provide the parameters under which State agencies may use these funds to reimburse crime victims directly for expenses related to crime. Expenses that must be covered are lost wages, medical and mental health costs, and funeral and burial costs. States, at their discretion, may cover loss of support, crime scene cleanup, and other such expenses.

The Victim Assistance Program Regulations provide the parameters under which State agencies may use these funds to award grants to government and nonprofit organizations to provide direct services to crime victims. Local programs include child abuse, homicide survivor, drunk driving, sexual assault, and domestic violence. More than three million crime victims are served through these grants.

DOJ—OJP

Proposed Rule Stage

Costs to States are limited, as the VOCA grant provides for administrative costs for these programs.

Timetable:**OJP-1350 VOCA: Program Regulations for Victim Compensation Grant Program**

NPRM 08/00/03

NPRM Comment Period End 10/00/03

OJP-1405 VOCA Victim Assistance Program Regulations

NPRM 08/00/03

NPRM Comment Period End 10/00/03

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

Agency Contact: Carol Watkins, Director, Department of Justice, Office of Justice Programs, State Compensation and Assistance Division, 810 7th Street NW, Washington, DC 20531

Phone: 202 514-4696

RIN: 1121-AA61**1752. INTERNATIONAL TERRORISM VICTIM COMPENSATION PROGRAM****Priority:** Other Significant

Legal Authority: 42 USC 10603c, sec 1404c; PL 104-208, Victims of Trafficking and Violence Protection Act of 2000

CFR Citation: None**Legal Deadline:** None

Abstract: The Office of Justice Programs (OJP) will develop these regulations to implement the International Terrorism Victim Compensation Program provisions contained in the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 104-208), which directs OJP to carry out a program to compensate victims of acts of international

terrorism that occur outside the United States, for expenses associated with that victimization.

Timetable:

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

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

Agency Contact: Barbara Johnson, Program Manager, Department of Justice, Office of Justice Programs, Terrorism and International Victims Unit, Office for Victims of Crime, 810 7th Street NW, Washington, DC 20531
Phone: 202 307-5983

RIN: 1121-AA63

Department of Justice (DOJ)

Office of Justice Programs (OJP)

Final Rule Stage

1753. BULLETPROOF VEST PARTNERSHIP GRANT ACTS OF 1998 AND 2000**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 3796ll**CFR Citation:** 28 CFR 33**Legal Deadline:** NPRM, Statutory, September 14, 1998.

Abstract: The Bureau of Justice Assistance is publishing final regulations implementing the Bulletproof Vest Partnership Grant Acts of 1998 and 2000, which authorize BJA funds to eligible States, units of local government, and Indian tribes to purchase armored vests for use by law enforcement officers. This final rule reflects the revised process by which eligible jurisdictions may register, apply, and request funding under BJA's Internet-Based Bulletproof Vest Partnership Grant Program.

On September 23, 1998, BJA published an interim final rule, with a request for comments (63 FR 50759). The interim final rule established the process by which BJA would implement the Bulletproof Vest Partnership Grant Act of 1998. BJA did not receive any comments in response to the interim final rule. Nevertheless, BJA initiated numerous outreach efforts, in the form

of focus groups and beta testing, to ensure that all affected parties had ample opportunity to review and participate in the program's design and development.

Timetable:

Action	Date
Interim Final Rule	09/23/98 63 FR 50759
Interim Final Rule Effective	09/23/98
Interim Final Rule Comment Period End	11/23/98
Final Rule	08/00/03

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal

Agency Contact: Robert T. Watkins, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20053
Phone: 202 514-3447

RIN: 1121-AA48**1754. ENVIRONMENTAL IMPACT REVIEW PROCEDURES FOR THE VOI/TIS GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 13701 et seq, as amended by PL 104-134; 42 USC 4321 et seq; 40 CFR 1500 to 1508**CFR Citation:** 28 CFR 91**Legal Deadline:** None

Abstract: The Office of Justice Programs is issuing this final rule to set forth the procedures that it and the States that are awarded Federal funds under the Violent Offender Incarceration/Truth-in-Sentencing Grants Program must follow in order to comply with the environmental impact review procedures mandated by the National Environmental Policy Act, the Council on Environmental Quality's implementing regulations, and other related Federal environmental impact review requirements.

Timetable:

Action	Date
Interim Final Rule	08/08/00 65 FR 48592
Interim Final Rule Effective	08/08/00
Interim Final Rule Comment Period End	10/10/00
Final Action	12/00/03

DOJ—OJP

Final Rule Stage

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Philip Merkle,
Special Advisor to the Director,
Department of Justice, Office of Justice
Programs, Correction Program Office,810 7th Street NW, Washington, DC
20531

Phone: 202 305-2550

RIN: 1121-AA52**Department of Justice (DOJ)****Office of Justice Programs (OJP)****Long-Term Actions****1755. GOVERNMENTWIDE
DEBARMENT AND SUSPENSION
(NONPROCUREMENT) AND
GOVERNMENTWIDE REQUIREMENTS
FOR DRUG-FREE WORKPLACE
(GRANTS)****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Timetable:**

Action	Date
NPRM	01/23/02 67 FR 3344

ActionNPRM Comment
Period End**Date**

03/25/02

Final Action

To Be Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Linda Fallowfield

Phone: 202 305-2534

RIN: 1121-AA57

[FR Doc. 03-9567 Filed 5-23-03; 8:45 am]

BILLING CODE 4410-BP-S