



Federal Register

**Monday,
April 30, 2007**

Part XII

**Department of
Justice**

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. 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 2007 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 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 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 two regulations requiring such a review: “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). This edition also includes one regulation resulting from such a review: “Commerce in Explosives (Including Explosives in the Fireworks Industry)” (RIN 1140-AA01). 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: March 16, 2007.

Rachel L. Brand,
Assistant Attorney General, Office of Legal Policy.

Bureau of Prisons—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1616	Administrative Remedy Program—Subpart Revision	1120-AB34
1617	Inmate Electronic Message Program	1120-AB38
1618	Release of Information	1120-AB40
1619	Civil Commitment of a Sexually Dangerous Person	1120-AB45

Bureau of Prisons—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1620	Literacy Program	1120-AA33
1621	Telephone Regulations and Inmate Financial Responsibility	1120-AA39
1622	Good Conduct Time	1120-AA62
1623	Designation of Offenses Subject to Sex Offender Release Notification	1120-AA85
1624	Searches of Housing Units, Inmates, and Inmate Work Areas: Electronic Devices	1120-AA90
1625	Drug Testing Program	1120-AA95
1626	Correspondence: Inspection of Outgoing General Correspondence	1120-AA98
1627	District of Columbia Educational Good Time Credit	1120-AB05
1628	Drug Abuse Treatment Program: Subpart Revision and Clarification	1120-AB07
1629	Reduction in Sentence for Medical Reasons	1120-AB10
1630	Central Inmate Monitoring (CIM) System: Streamlining Rules	1120-AB14
1631	Inmate Discipline—Subpart Revision	1120-AB18
1632	Autopsies	1120-AB26
1633	Searching and Detaining or Arresting Non-Inmates	1120-AB28
1634	Inmate Work and Performance Pay Program: Reduction in Pay for Drug- and Alcohol-Related Disciplinary Offenses	1120-AB33
1635	Limited Communication for Terrorist Inmates	1120-AB35
1636	Possession or Introduction of Personal Firearms Prohibited on Federal Penal or Correctional Institution Grounds ..	1120-AB37
1637	Intensive Confinement Center Program	1120-AB39
1638	Drug Abuse Treatment Program: Eligibility of DC Code Offenders for Early Release Consideration	1120-AB41
1639	Smoking/No Smoking Areas	1120-AB42
1640	Inmate Furloughs	1120-AB44

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Bureau of Prisons—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1641	Psychiatric Evaluation and Treatment	1120-AB20

Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1642	Suicide Prevention Program	1120-AB06
1643	National Security; Prevention of Acts of Violence and Terrorism	1120-AB08

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1644	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (Section 610 Review)	1190-AA44
1645	Nondiscrimination on the Basis of Disability in State and Local Government Services (Section 610 Review)	1190-AA46
1646	The Failure To Select Cause of Action of the American Competitiveness and Workforce Improvement Act of 1998	1190-AA48
1647	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
1648	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs and Implementation of Executive Order 12250	1190-AA52
1649	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 Identifier Number
1650	Amendments to the Attorney General's Guidelines on Implementation of the Language Minority Provisions of the Voting Rights Act	1190-AA58

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

Sequence Number	Title	Regulation Identifier Number
1651	Implementation of the Child Safety Lock Act of 2005	1140-AA26

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

Sequence Number	Title	Regulation Identifier Number
1652	Commerce in Explosives—Explosive Pest Control Devices	1140-AA03
1653	Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997)	1140-AA04
1654	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
1655	Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY 1999 Relating to Firearms Disabilities for Nonimmigrant Aliens	1140-AA08
1656	Machine Guns, Destructive Devices, and Certain Other Firearms—Amended Definition of "Pistol"	1140-AA23
1657	Commerce in Explosives—Amended Definition of Propellant Actuated Device	1140-AA24

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

Sequence Number	Title	Regulation Identifier Number
1658	The U.S. Munitions Import List and Import Restrictions Applicable to Certain Countries	1140-AA29
1659	Commerce in Explosives—Storage of Shock Tube With Detonators	1140-AA30

Bureau of Alcohol, Tobacco, Firearms, and Explosives—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1660	Implementation of the Safe Explosives Act	1140-AA00
1661	Commerce in Explosives (Including Explosives in the Fireworks Industry) (Rulemaking Resulting From a Section 610 Review)	1140-AA01
1662	Residency Requirement for Persons Acquiring Firearms	1140-AA05
1663	Implementation of Public Law 105-277 Relating to Secure Gun Storage	1140-AA10
1664	Implementation of the Safe Explosives Act—Delivery of Explosive Materials by Common or Contract Carrier	1140-AA20
1665	Commerce in Explosives—Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents	1140-AA27
1666	Implementation of the USA Patriot Improvement and Reauthorization Act of 2005 Regarding Trafficking in Contraband Cigarettes or Smokeless Tobacco	1140-AA31

Bureau of Alcohol, Tobacco, Firearms, and Explosives—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1667	Commerce in Firearms—Amended Definition of “Alien Illegally or Unlawfully in the United States”	1140-AA28

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1668	Guidelines for Providing Controlled Substances to Ocean Vessels	1117-AA40
1669	Electronic Prescriptions for Controlled Substances	1117-AA61
1670	Reorganization and Clarification of DEA Regulations	1117-AA63
1671	Chemical Mixtures Containing Gamma-Butyrolactone	1117-AA64
1672	Chemical Mixtures Containing Listed Forms of Phosphorus	1117-AA66
1673	Electronic Application for Controlled Substances and Listed Chemical Registration: Technical Amendments	1117-AA91
1674	Limited Exemption for Peyote Use in Traditional Ceremonies With a Traditional Indian Religion by Members of Federally Recognized Indian Tribes	1117-AA97
1675	Changes to Patient Limitation for Dispensing or Prescribing Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment by Qualified Individual Practitioners	1117-AA99
1676	Combat Methamphetamine Epidemic Act of 2005: Fee for Self-Certification for Regulated Sellers of Scheduled Listed Chemical Products	1117-AB13
1677	Record Requirements for Chemical Distributors	1117-AB14
1678	New Single-Sheet Format for U.S. Official Order Form for Schedule I and II Controlled Substances (DEA Form-222)	1117-AB15

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1679	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine	1117-AA62
1680	Changes in the Regulation of Iodine and Its Chemical Mixtures	1117-AA93
1681	Definition of Positional Isomer As It Pertains to the Control of Schedule I Controlled Substances	1117-AA94

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Drug Enforcement Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1682	Reexportation of Controlled Substances	1117-AB00
1683	Issuance of Multiple Prescriptions for Schedule II Controlled Substances	1117-AB01
1684	Authorized Sources of Narcotic Raw Material	1117-AB03
1685	Schedules of Controlled Substances: Exempt Anabolic Steroid Products	1117-AB04
1686	Retail Sales of Scheduled Listed Products; Self-Certification of Regulated Sellers of Scheduled Listed Chemical Products	1117-AB05
1687	Implementation of the Combat Methamphetamine Epidemic Act of 2005; Notice of Transfers Following Importation or Exportation	1117-AB06
1688	Information on Foreign Chain of Distribution for Certain List I Chemicals	1117-AB07
1689	Import and Production Quotas for Certain List I Chemicals	1117-AB08
1690	Registration List Requirements for List I Chemicals	1117-AB09
1691	Removal of Thresholds for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine	1117-AB10
1692	Elimination of Exemption for Chemical Mixtures Containing the List I Chemicals Ephedrine and/or Pseudoephedrine	1117-AB11
1693	Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical	1117-AB12

Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1694	Exemption of Chemical Mixtures	1117-AA31
1695	Clarification of Registration Requirements for Individual Practitioners	1117-AA89
1696	Schedules of Controlled Substances: Exempt Anabolic Steroid Products	1117-AA98
1697	Technical Correction of Two Anabolic Steroid Names	1117-AB02

Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1698	Authority of Immigration Judges To Issue Civil Money Penalties	1125-AA18
1699	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children	1125-AA35
1700	International Marriage Brokers	1125-AA45
1701	Jurisdiction and Venue in Removal Proceedings	1125-AA52
1702	Executive Office for Immigration Review; Rules Governing Immigration Proceedings	1125-AA53
1703	Professional Conduct for Practitioners—Rules and Procedures, and Representation and Appearances	1125-AA59

Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1704	Suspension of Deportation and Cancellation of Removal	1125-AA25
1705	Authorities Delegated to the Director of the Executive Office for Immigration Review and the Chief Immigration Judge	1125-AA27
1706	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
1707	Protective Orders in Immigration Administration Proceedings	1125-AA38
1708	Executive Office for Immigration Review Attorney/Representative Registry	1125-AA39
1709	Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer	1125-AA41
1710	Definitions; Fees; Powers and Authority of DHS Officers in Removal Proceedings	1125-AA43
1711	Background and Security Investigation Checks in Proceedings Before Immigration Judges and the Board of Immigration Appeals	1125-AA44

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Executive Office for Immigration Review—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1712	Reopened Proceedings on Petitions for Alien Entrepreneur Immigrant Classification (EB-5 Visas)	1125-AA49
1713	Information Relating to Aliens' Duty To Surrender When Ordered Removed From the United States	1125-AA51
1714	Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status	1125-AA55
1715	Board of Immigration Appeals: Composition of Board and Temporary Board Members	1125-AA57
1716	Board of Immigration Appeals: Affirmance Without Opinion, Referral for Three-Board-Member Review, and Publication of Decisions as Precedents	1125-AA58

Federal Bureau of Investigation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1717	FBI Criminal Justice Information Services Division User Fees	1110-AA26
1718	Expanded Use of NICS To Allow Access by Criminal Justice Agencies To Conduct Background Checks Prior to the Return of Firearms in Law Enforcement Possession	1110-AA27

Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1719	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)	1110-AA01
1720	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act	1110-AA04
1721	Implementation of the Private Security Officer Employment Authorization Act of 2004	1110-AA23
1722	Carriage of Concealed Weapons Pursuant to Public Law 108-277, the Law Enforcement Officers Safety Act of 2004	1110-AA24
1723	Inclusion of Nonserious Offense Identification Records	1110-AA25

Federal Bureau of Investigation—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1724	Communications Assistance for Law Enforcement Act: Definitions of "Replaced" and "Significantly Upgraded or Otherwise Undergone Major Modification"	1110-AA21
1725	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act—Notice of Actual and Maximum Capacity: Paging, MSS, SMR, and ESMR	1110-AA22

Federal Bureau of Investigation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1726	Final Notice of Capacity; Supplement To Respond to Remand	1110-AA10

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1727	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
1728	Procedures for Suspension and Removal of Panel Trustees and Standing Trustees	1105-AB12

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Legal Activities—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1729	Revision to United States Marshals Service Fees for Services	1105-AB14
1730	Conforming OVW Grant Programs Regulations to Statutory Changes	1105-AB15
1731	Procedures for Review of Denial of Claims of Standing Trustee for Actual, Necessary Expenses	1105-AB16
1732	Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies and Approval of Providers of a Personal Financial Management Instructional Course by U.S. Trustees	1105-AB17
1733	Revised Inspection of Records Relating to Depiction of Sexually Explicit Performances	1105-AB18
1734	Implementation of Section 503 of the Adam Walsh Child Protection and Safety Act of 2006	1105-AB19
1735	Production of Certain Information or Testimony by State or Local Law Enforcement or Prosecutive Officials Serving on a Department of Justice Task Force	1105-AB21
1736	DNA Sample Collection Under the DNA Fingerprint Act of 2005 and the Adam Walsh Child Protection and Safety Act of 2006	1105-AB24
1737	Research Misconduct	1105-AB25
1738	Disclosure or Production of Records or Information	1105-AB27

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1739	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act	1105-AA65
1740	Guidelines for the PROTECT Act Amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act	1105-AB08
1741	DNA Sample Collection From Federal Offenders Under the Justice for All Act of 2004	1105-AB09
1742	Preservation of Biological Evidence Under 18 U.S.C. 3600A	1105-AB10
1743	Applicability of the Sex Offender Registration and Notification Act	1105-AB22
1744	Standards for the Administrative Collection of Claims	1105-AB26

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1745	Ethical Standards for Attorneys for the Government	1105-AA67
1746	National Motor Vehicle Title Information System (NMVTIS) Reporting Regulations	1105-AA71
1747	Reporting Under the Protection of Children From Sexual Predators Act as Amended	1105-AB06

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1748	Supplement to Justice Department Procedures and Council on Environmental Quality Regulations To Ensure Compliance With the National Environmental Policy Act	1105-AB13

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1749	Victims of Crime Act (VOCA) Crime Victim Compensation Program Regulations	1121-AA68
1750	Victim of Crime Act (VOCA) Victim Assistance Program	1121-AA69
1751	Aimee's Law	1121-AA71
1752	Certification Process for State Capital Counsel Systems	1121-AA74

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Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier 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 Identifier Number
1755	Criminal Intelligence Systems Operating Policies	1121-AA59

Office of Justice Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1756	Correctional Facilities on Tribal Lands Grant Program	1121-AA41
1757	Research Misconduct	1121-AA72
1758	Implementation of OMB Guidance on Nonprocurement Debarment and Suspension	1121-AA73

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

Proposed Rule Stage

1616. ADMINISTRATIVE REMEDY PROGRAM—SUBPART REVISION

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 28 USC 509 and 510

CFR Citation: 28 CFR 542

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) revises current regulations on the Administrative Remedy Program to clarify existing provisions and to expand the program to allow Federal inmates housed in contract facilities to file grievances related to Bureau issues. For further simplification, we remove language relating solely to internal Agency practices and procedures. The changes would provide a consistent approach to correct the current deficiency in the Administrative Remedy Program and to provide Federal inmates housed in contract facilities with a process for addressing issues for which only the Bureau may grant relief.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

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
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Email: squreshi@bop.gov

RIN: 1120-AB34

1617. INMATE ELECTRONIC MESSAGE PROGRAM

Priority: Other Significant

Legal Authority: 5 USC 301, 551, 552a; 18 USC 1791, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to conduct occurring on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to conduct occurring after that date); 28 USC 509 and 510

CFR Citation: 28 CFR 540, subpart C

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) proposes to establish an inmate electronic message program for general correspondence with persons in the community. We intend that this will provide inmates with an alternative means of written correspondence and provide the Bureau with a more efficient, cost effective, and secure method of managing inmate mail services. However, the inmates participating in this program will not have access to the Internet. As more inmates use the new electronic message program, it will reduce the opportunities to introduce contraband into Bureau facilities through inmate mail.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of

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Proposed Rule Stage

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 RIN: 1120-AB38

1618. RELEASE OF INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 13 USC; 18 USC 3621, 3622, 3624; 18 USC 4001, 4042, 4942, 4081, 4082 (Repealed in part as to conduct occurring on or after November 1, 1987), 5006 to 5024 (Repealed October 12, 1984, as to conduct occurring after that date), 5039; 28 USC 509 and 510; 31 USC 3711(f); 5 CFR 297

CFR Citation: 28 CFR 513.40

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) proposes to amend its regulations on Release of Information (28 CFR 513, subpart D). We published current regulations on this subject in the Federal Register on December 9, 1996 (61 FR 64950). We also published a proposed regulation on this subject on May 13, 2003 (68 FR 25545), which we will withdraw.

The Bureau proposes to remove our regulations regarding Privacy Act (PA) and Freedom of Information Act (FOIA) requests for information (28 CFR sections 513.30-.36 and 513.50-.68), because these regulations merely duplicate current and more general Department of Justice FOIA/PA

regulations in 28 CFR part 16, and are therefore unnecessary in Bureau regulations. We also propose to remove regulations pertaining to procedures for staff processing of inmate requests to institutions for information (28 CFR sections 513.40-.44), because these regulations do not directly relate to FOIA/PA and are an unnecessary level of operational detail. This proposed rule also seeks to prohibit inmates incarcerated in Bureau facilities, including those in contract facilities or in community confinement, from possessing their Pre-Sentence Investigation Reports (PSR), Statements of Reasons (SOR), or other similar sentencing documents from criminal judgments. Also, we propose new regulations regarding releasability of inmate information not otherwise provided for through current FOIA, PA, or Department of Justice regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

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
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RIN: 1120-AB40

1619. • CIVIL COMMITMENT OF A SEXUALLY DANGEROUS PERSON

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: 28 CFR 549

Legal Deadline: None

Abstract: In this proposed rule, the Bureau of Prisons (Bureau) provides definitions and standards relating to the certification of persons as sexually dangerous for the purpose of civil commitment, as authorized by The Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248) (Walsh Act), enacted July 27, 2006, which amended title 18 of the United States Code, Chapter 313.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

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
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RIN: 1120-AB45

Department of Justice (DOJ)

Final Rule Stage

Bureau of Prisons (BOP)

1620. 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	FR Cite
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	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA33

1621. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Priority: Substantive, Nonsignificant

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

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Final Rule Stage

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).

On July 1, 2005, we merged the two rules described above (1120-AA49 and this rule). The Bureau is currently developing a rule finalizing the interim rules.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/02/96	61 FR 90
Interim Final Rule	03/04/96	
Comment Period End		
Final Action	11/00/07	

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
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RIN: 1120-AA39

1622. 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	FR Cite
Interim Final Rule	09/26/97	62 FR 50786
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	02/00/08	

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
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RIN: 1120-AA62

1623. 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	FR Cite
Interim Final Rule	12/16/98	63 FR 69386
Interim Final Rule Comment Period End	02/16/99	
Final Action	02/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA85

1624. SEARCHES OF HOUSING UNITS, INMATES, AND INMATE WORK AREAS: 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 adopts as final a Bureau of Prisons (Bureau) proposed rule on searches of inmates, housing units, and inmate work areas with respect to the use of electronic devices. This document also withdraws the Bureau's proposal to amend its rules on searches of non-inmates, which will be incorporated into a new and separate proposed rule. We intend this change to provide for the continued efficient and secure operation of the institution and prevent the introduction of contraband into Bureau institutions.

DOJ—BOP

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/25/99	64 FR 9431
NPRM Comment Period End	04/26/99	
Modified to remove provisions on searching non-inmates	08/04/06	
Final Action	06/00/07	

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

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RIN: 1120-AA90

1625. 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	FR Cite
NPRM	09/21/00	65 FR 57126
NPRM Comment Period End	11/20/00	
Final Action	12/00/07	

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

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RIN: 1120-AA95

**1626. 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	FR Cite
NPRM	07/27/99	64 FR 40718
NPRM Comment Period End	09/27/99	
Final Action	12/00/07	

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

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RIN: 1120-AA98

**1627. 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 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	FR Cite
Interim Final Rule	07/24/02	67 FR 48385
Interim Final Rule Comment Period End	09/23/02	
Final Action	08/00/07	

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

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RIN: 1120-AB05

**1628. DRUG ABUSE TREATMENT
PROGRAM: SUBPART REVISION AND
CLARIFICATION**

Priority: Other Significant

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	FR Cite
NPRM (BOP 1093)	09/20/00	65 FR 56840
NPRM (BOP 1093) Comment Period End	11/20/00	
NPRM (BOP 1109)	07/01/04	69 FR 39887

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Final Rule Stage

Action	Date	FR Cite
NPRM (BOP 1109) Comment Period End	08/30/04	
Final Action	08/00/07	

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

Additional Information: The action previously reported at RIN 1120-AA88 has been merged into this rulemaking.

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RIN: 1120-AB07**1629. REDUCTION IN SENTENCE FOR MEDICAL REASONS****Priority:** Other Significant

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 3565, 3568 to 3569, 3582, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 4201 to 4218, 5006 to 5024, 5039; 28 USC 509 and 510; 28 CFR 1.1-1.10

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

Abstract: The Bureau of Prisons (Bureau) is revising its rules on procedures for reductions in sentence (RIS) for medical reasons. 28 CFR part 571, subpart G, is currently entitled "Compassionate Release (Procedures for the Implementation of 18 U.S.C. sections 3582(c)(1)(A) and 4205(g))." We are revising these rules to (1) more accurately reflect our authority under these statutes and our current policy, (2) to clarify inmate and public confusion regarding the procedures for RIS consideration, and (3) to describe procedures for RIS consideration of D.C. code offenders, for whom the Bureau has responsibility under the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Revitalization Act), D.C. Code section 24-101(b). The new subpart G will be entitled "Reduction in Sentence for Medical Reasons."

Timetable:		
Action	Date	FR Cite
NPRM	12/21/06	71 FR 76619
NPRM Comment Period End	02/20/07	
Final Action	01/00/08	

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

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RIN: 1120-AB10**1630. 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	FR Cite
Interim Final Rule	12/00/07	

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

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RIN: 1120-AB14**1631. INMATE DISCIPLINE—SUBPART REVISION****Priority:** Other Significant

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	FR Cite
NPRM	07/26/05	70 FR 43093
NPRM Comment Period End	09/26/05	
Final Action	09/00/07	

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

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DOJ—BOP

Final Rule Stage

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RIN: 1120-AB18

1632. AUTOPSIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4005, 4042, 4045, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4241 to 4247, 5006 to 5024 (Repealed October 12, 1984)

CFR Citation: 28 CFR 549.80

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) streamlines the rule on autopsies by removing internal agency management procedures that need not be stated in regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB26

1633. SEARCHING AND DETAINING OR ARRESTING NON-INMATES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to amend its regulations on searching and detaining or arresting non-inmates. This revision reorganizes current rules and makes other changes for clarity. We also make changes that would subject non-inmates to random pat searches as a condition of entry to a Bureau facility.

Timetable:

Action	Date	FR Cite
NPRM	01/31/06	71 FR 5026

Action	Date	FR Cite
NPRM Comment Period End	04/03/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB28

1634. INMATE WORK AND PERFORMANCE PAY PROGRAM: REDUCTION IN PAY FOR DRUG- AND ALCOHOL-RELATED DISCIPLINARY OFFENSES

Priority: Other Significant

Legal Authority: 18 USC 3013, 3571, 3572, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 4126, 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 5 USC 301; 28 USC 509 and 510

CFR Citation: 28 CFR 545.25

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) amends regulations on inmate work and performance pay to require that inmates receiving performance pay who are found through the disciplinary process (found in 28 CFR part 541) to have committed a level 100 or 200 series drug- or alcohol-related prohibited act will automatically have their performance pay reduced to maintenance pay level and be removed from any assigned work detail outside the secure perimeter of the institution.

Timetable:

Action	Date	FR Cite
NPRM	11/02/06	71 FR 64505
NPRM Comment Period End	02/02/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB33

1635. LIMITED COMMUNICATION FOR TERRORIST INMATES

Priority: Other Significant

Legal Authority: 5 USC 301, 551, 552a; 18 USC chs 113b and 115, 1791, 3621, 3622, 3624, 4001, 4042, 4081; 18 USC 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 USC 509, 510, 530C(b)(6)

CFR Citation: 28 CFR 540

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes a new rule that allows for limiting the communication opportunities of inmates charged with, convicted of, or detained in relation to an offense under Title 18 U.S.C. chapters 113B or 115; or are charged with having engaged in, have engaged in, are detained in relation to, or are linked in any way to terrorist-related activity as part of their current or previous offense conduct or conduct while incarcerated. The rule allows for limiting individual inmate's communications when the Warden of the facility, in consultation with the Regional Director and approved by the Assistant Director, Correctional Programs Division, deems it necessary to ensure the safety, security, and good order of the institution; protection of the public; or national security.

Timetable:

Action	Date	FR Cite
NPRM	04/03/06	71 FR 16520
NPRM Comment Period End	06/02/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: See also RIN 1120-AB08, National Security:

DOJ—BOP

Final Rule Stage

Prevention of Acts of Violence and Terrorism.

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RIN: 1120-AB35

1636. POSSESSION OR INTRODUCTION OF PERSONAL FIREARMS PROHIBITED ON FEDERAL PENAL OR CORRECTIONAL INSTITUTION GROUNDS

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 751, 752, 1791, 1792, 1793, 3050, 3621, 3622, 3624, 4001, 4012, 4042, 4081, 4082 (Repealed as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 28 USC 509, 510; PL 80-772; 18 USC 1791 and 4042; PL 108-277 (18 USC 926B); 28 CFR 6

CFR Citation: 28 CFR 511

Legal Deadline: None

Abstract: To help ensure the safe operation of Federal prisons, this proposed rule clarifies that possession or introduction of personal firearms, or attempting, aiding, or abetting possession or introduction of personal firearms, on Federal penal or correctional institution grounds is prohibited, with the following exceptions: (1) Personal firearms are permitted as required in the performance of official law enforcement duties; (2) law enforcement personnel are permitted to possess personal firearms on firing ranges located on Bureau of Prisons property, where constant possession and control of the firearm is maintained; and (3) an officer or employee of the Bureau of Prisons who resides on Bureau of Prisons property may store personal firearms in secure locations designated by the Warden, other than residences.

Timetable:

Action	Date	FR Cite
NPRM	07/07/06	71 FR 38543
NPRM Comment Period End	08/08/06	
Final Action	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB37

1637. INTENSIVE CONFINEMENT CENTER PROGRAM

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 28 CFR 524

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) proposes to remove current rules on the intensive confinement center program (ICC). The ICC is a specialized program for non-violent offenders combining features of a military boot camp with traditional Bureau correctional values. The Bureau will no longer be offering the ICC program (also known as Shock Incarceration or Boot Camp) to inmates as a program option. This decision was made as part of an overall strategy to eliminate programs that do not reduce recidivism.

Timetable:

Action	Date	FR Cite
NPRM	11/02/06	71 FR 64504
NPRM Comment Period End	01/02/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB39

1638. DRUG ABUSE TREATMENT PROGRAM: ELIGIBILITY OF DC CODE OFFENDERS FOR EARLY RELEASE CONSIDERATION

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 3521 to 3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 21 USC 848; 28 USC 509 and 510; title V, PL 91-452, 84 Stat 933 (18 USC ch 223); DC Code sec 24-403.01(d-1)(1)

CFR Citation: None

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to extend early release consideration to DC Code offenders pursuant to DC Code section 24-403.01.

Timetable:

Action	Date	FR Cite
NPRM	11/02/06	71 FR 64507
NPRM Comment Period End	01/02/07	
Final Action	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB41

1639. SMOKING/NO SMOKING AREAS

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 1512, 3621, 3622, 3624, 4001, 4005, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 4161 to 4166 (Repealed as to offenses committed on or after November 1, 1987); 28 USC 509 and 510; PL 99-500, sec 209

CFR Citation: 28 CFR 551

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to revise

DOJ—BOP

Final Rule Stage

regulations pertaining to smoking/no smoking for inmates in Bureau facilities. The revised regulations indicate that smoking is generally prohibited in and on the grounds of Bureau institutions and offices, with the following two exceptions: Smoking is permitted as part of an authorized inmate religious activity; and, for all persons who wish to enter, or are present inside, Bureau facilities, other than inmates in Bureau custody, smoking is permitted only in smoking areas designated by the Warden. This rule also clarifies that possession of smoking apparatus and tobacco in any form is prohibited for inmates, unless as part of an authorized inmate religious activity. Smoking is defined as inhaling the smoke of any substance through the use of smoking apparatus including, but not limited to, cigars, cigarettes, or pipes. We intend this amendment to promote a clean air environment and to protect the health and safety of staff and inmates.

Timetable:

Action	Date	FR Cite
NPRM	05/12/06	71 FR 27652

Action	Date	FR Cite
NPRM Comment	07/11/06	
Period End		
Final Action	10/00/07	

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

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RIN: 1120-AB42**1640. INMATE FURLOUGHS****Priority:** Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 751, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161 to 4166, 5006 to 5024 (Repealed October 12, 1984)

CFR Citation: 28 CFR 570**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to revise its Federal regulations on the inmate furlough program primarily to more clearly provide for and define transfer furloughs.

Timetable:

Action	Date	FR Cite
NPRM	12/06/06	71 FR 70696
NPRM Comment	02/05/07	
Period End		
Final Action	01/00/08	

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

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RIN: 1120-AB44
Department of Justice (DOJ)
Bureau of Prisons (BOP)

Long-Term Actions

1641. PSYCHIATRIC EVALUATION AND TREATMENT**Priority:** Other Significant**CFR Citation:** 28 CFR 549**Timetable:**

Action	Date	FR Cite
NPRM	12/29/03	68 FR 74892

Action	Date	FR Cite
NPRM Comment	02/27/04	
Period End		
Next Action Undetermined		

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

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RIN: 1120-AB20
Department of Justice (DOJ)
Bureau of Prisons (BOP)

Completed Actions

1642. SUICIDE PREVENTION PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 552**Completed:**

Reason	Date	FR Cite
Final Action	03/15/07	72 FR 12085
Final Action Effective	03/15/07	

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

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RIN: 1120-AB06**1643. NATIONAL SECURITY; PREVENTION OF ACTS OF VIOLENCE AND TERRORISM****Priority:** Other Significant**CFR Citation:** 28 CFR 500, 501**Completed:**

Reason	Date	FR Cite
Final Action	04/04/07	72 FR 16271
Final Action Effective	06/04/07	

Regulatory Flexibility Analysis Required: No

DOJ—BOP

Completed Actions

Small Entities Affected: No

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Government Levels Affected: None

RIN: 1120-AB08

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

Proposed Rule Stage

1644. 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 began the process of revising ADAAG a number of years ago. It published new ADAAG in final form on July 23, 2004, after having published guidelines in proposed form in November 1999 and in draft final form in April 2002. 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 revised ADA Standards consistent with the final revised ADAAG 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 first step in adopting revised Standards was an advance notice of proposed rulemaking that was published in the Federal Register on September 30, 2004, at 69 FR 58768, issued under both title II and title III. The Department believes that the advance notice will simplify and clarify the preparation of the proposed rule to follow. In addition to giving notice that the proposed rule will adopt revised ADA accessibility standards, the advance notice raised questions for public comment and proposed a framework for the regulatory analysis that will accompany the proposed rule.

The adoption of revised ADAAG will also serve to address changes to the ADA Standards previously proposed in RIN 1190-AA26, RIN 1190-AA38, RIN 1190-AA47, and RIN 1190-AA50, all of which have now been withdrawn from the Unified Agenda. These changes will include technical specifications for facilities designed for use by children, accessibility standards for State and local government facilities, play areas, and recreation facilities, all of which had 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 second step 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 ADA Standards for Accessible Design consistent with the minimum guidelines of the revised ADAAG. The second stage 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).

Timetable:

Action	Date	FR Cite
ANPRM	09/30/04	69 FR 58768
ANPRM Comment Period End	01/28/05	
ANPRM Comment Period Extended	01/19/05	70 FR 2992
ANPRM Comment Period End	05/31/05	
NPRM	02/00/08	
NPRM Comment Period End	04/00/08	

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
Phone: 800 514-0301
TDD Phone: 800 514-0383
Fax: 202 307-1198

RIN: 1190-AA44

1645. 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

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Proposed Rule Stage

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 (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. The Access Board published an Availability of Draft Final Guidelines on April 2, 2002, and published the ADA Accessibility Guidelines in final form on July 23, 2004. The ADA (section 204(c)) requires the Department's standards to be consistent with the Access Board's guidelines. In order to maintain consistency between ADAAG and the Standards, the Department is reviewing its title II regulations and expects to propose, in one or more stages, to adopt revised standards consistent with new ADAAG. 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 first part of the rulemaking process was an advance notice of proposed rulemaking, published in the Federal Register on September 30, 2004, at 69 FR 58768, issued under both title II and title III. The Department believes the advance notice will simplify and clarify

the preparation of the proposed rule to follow. In addition to giving notice of the proposed rule that will adopt revised ADA accessibility standards, the advance notice raised questions for public comment and proposed a framework for the regulatory analysis that will accompany the proposed rule.

The adoption of revised ADA Standards consistent with revised ADAAG will also serve to address changes to the ADA Standards previously proposed under RIN 1190-AA26, RIN 1190-AA38, RIN 1190-AA47, and RIN 1190-AA50, all of which have now been withdrawn from the Unified Agenda. These changes will include technical specifications for facilities designed for use by children, accessibility standards for State and local government facilities, play areas, and recreation facilities, all of which had 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 second step 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 alone, this notice will also propose to eliminate the Uniform Federal Accessibility Standards (UFAS) as an alternative to the ADA Standards for Accessible Design.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/04	69 FR 58768
ANPRM Comment Period End	01/28/05	
ANPRM Comment Period Extended	01/19/05	70 FR 2992
ANPRM Comment Period End	05/31/05	
NPRM	02/00/08	
NPRM Comment Period End	04/00/08	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

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 curbside 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.

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Phone: 800 514-0301
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Fax: 202 307-1198

RIN: 1190-AA46

1646. THE FAILURE TO SELECT CAUSE OF ACTION OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998

Priority: Other Significant

Legal Authority: 8 USC 1182(n)(5); 8 USC 1103(a); 8 USC 1182(n); 8 USC 1324b

CFR Citation: 28 CFR 44.500; 28 CFR 68

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

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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 them 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). Although this cause of action, originally enacted in ACWIA, sunset on October 1, 2003, it was revived in the H-1B Visa Reform Act of 2004.

This rule also changes 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 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 the Office of the Chief Administrative Hearing Officer to review the Arbitrator’s findings, if necessary, and to impose remedies against the employer. This rule is being coordinated with EOIR, the Department of Labor (DOL), and the FMCS.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Additional Information: 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 Immigration-Related Unfair Employment Practices, 950 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 616-5594
Fax: 202 616-5509

Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
Email: eoir.regis@usdoj.gov

RIN: 1190-AA48

1647. 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 certain States and their political subdivisions (covered jurisdictions) to 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 and in the Attorney General’s internal practices, and to make the procedures clearer and easier to follow. In the many 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	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: John K. Tanner, Chief, Voting Section, Department of Justice, Civil Rights Division, 1800 G Street NW, Washington, DC 20006
Phone: 202 514-2386

RIN: 1190-AA51

1648. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND IMPLEMENTATION OF EXECUTIVE ORDER 12250

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, and published in the Federal Register on August 26, 2003, the Department of Justice and other Federal agencies conformed their regulations to the CRRRA.

In the rulemaking described under this RIN (1190-AA52) the Department of Justice proposes to make conforming 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 1973, 28 CFR 41.1 to 41.58. The

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proposed amendments explicitly incorporate the CRRRA's definitions of "program or activity" and "program" into the Department's title VI and section 504 coordination regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, Local, State

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

RIN: 1190-AA52

1649. 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: Other Significant

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	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Shanetta Cutlar, Chief, Special Litigation Section, Department of Justice, Civil Rights Division, 601 D Street NW, Patrick Henry Building, Room 5034, Washington, DC 20530
Phone: 202 514-0195

RIN: 1190-AA53

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

Final Rule Stage

1650. AMENDMENTS TO THE ATTORNEY GENERAL'S GUIDELINES ON IMPLEMENTATION OF THE LANGUAGE MINORITY PROVISIONS OF THE VOTING RIGHTS ACT

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 1973b; 42 USC 1973j(d); 42 USC 1973aa-1a to 1973aa-2

CFR Citation: 28 CFR 55

Legal Deadline: None

Abstract: The language minority provisions of the Voting Rights Act, sections 4(f)(4) and 203, require that certain States and political subdivisions of States (covered jurisdictions) provide materials and information about elections and voting in one or more languages other than English. Under section 203, coverage determinations are based on Census data, made by the Director of the Census, become effective upon publication in the Federal Register, and are not subject to judicial review. In 1976, the Department first issued guidelines on implementation of

the language minority provisions of the Voting Rights Act to assist jurisdictions in understanding how the Department measures compliance and enforces these provisions. A table listing jurisdictions covered by both section 4(f)(4) and section 203, as well as the language minority group or groups for which each is covered, is included as an appendix to the guidelines. In subsequent years, the Department has amended these guidelines to reflect changes enacted in the section 203 coverage formula and new section 203 determinations by the Director of the Census, which have been made after each decennial census. The last such revisions to the guidelines were published as a final rule without notice or comment period (58 FR 35371; July 1, 1993). On July 26, 2002, the Director of the Census published in the Federal Register new section 203 determinations based on 2000 Census data (67 FR 48871; July 26, 2002). The appendix should be updated to reflect these determinations currently in effect. The section 4(f)(4) determinations have not changed. On July 27, 2006, the

President signed the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments of 2006," Public Law 109-246, 120 Stat. 577, which includes three provisions affecting section 203 of the Voting Rights Act. In addition, the expiration date for section 4(f)(4) and 203, as well as the identification of the census data for making section 203 determinations, should be changed to reflect the amendments to the Voting Rights Act enacted in 2006.

Timetable:

Action	Date	FR Cite
Final Action	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John K. Tanner, Chief, Voting Section, Department of Justice, Civil Rights Division, 1800 G Street NW, Washington, DC 20006
Phone: 202 514-2386

RIN: 1190-AA58

Department of Justice (DOJ)

Proposed Rule Stage

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

1651. IMPLEMENTATION OF THE CHILD SAFETY LOCK ACT OF 2005**Priority:** Other Significant**Legal Authority:** 18 USC 847; 18 USC 921 to 931**CFR Citation:** 27 CFR 478**Legal Deadline:** None

Abstract: The Department of Justice is proposing to amend the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement the provisions of the Child

Safety Lock Act of 2005 (CSLA), section 5 of Public Law 109-92. In general, the CSLA makes it unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person, other than another licensee, unless the transferee (buyer) is provided with a secure gun storage or safety device for that handgun.

Timetable:

Action	Date	FR Cite
NPRM	03/00/08	

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

Agency Contact: James P. Ficareta, 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-AA26

Department of Justice (DOJ)

Final Rule Stage

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

1652. 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 Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) 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	FR Cite
NPRM	01/29/03	68 FR 4402
NPRM Comment Period End	02/28/03	
Final Action	12/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC80

Agency Contact: James Ficareta, 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**1653. COMMERCE IN FIREARMS AND AMMUNITION (OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997)****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 847; 18 USC 921 to 931**CFR Citation:** 27 CFR 478**Legal Deadline:** None

Abstract: The Omnibus Consolidated Appropriations Act of 1997 contains amendments to the Gun Control Act of 1968 (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 Handgun Violence Prevention 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	FR Cite
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	02/00/08	

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

Agency Contact: James Ficareta, 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**1654. 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	FR Cite
NPRM	11/15/01	66 FR 57404
NPRM Comment Period End	02/13/02	
Final Action	03/00/08	

DOJ—ATF

Final Rule Stage

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

1655. PUBLIC LAW 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY 1999 RELATING TO FIREARMS DISABILITIES FOR NONIMMIGRANT ALIENS

Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 931; 44 USC 3504(h)**CFR Citation:** 27 CFR 478**Legal Deadline:** None

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement the provisions of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for fiscal year 1999. The amendments 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	FR Cite
NPRM	02/05/02	67 FR 5428
Interim Final Rule	02/05/02	67 FR 5422
NPRM Comment Period End	05/06/02	
Interim Final Rule Comment Period End	05/06/02	
Final Rule	02/00/08	

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

1656. MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS—AMENDED DEFINITION OF “PISTOL”

Priority: Other Significant**Legal Authority:** 26 USC 7805**CFR Citation:** 27 CFR 479**Legal Deadline:** None

Abstract: The Department of Justice is amending the regulations relating to machine guns, destructive devices, and certain other firearms regulated under the National Firearms Act (NFA) for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to clarify the definition of the term “pistol” and to define more clearly exceptions to the “pistol” definition. The added language is necessary to clarify that certain weapons, including any weapon disguised to look like an item other than a firearm or any gun that fires more than one shot without manual reloading by a single function of the trigger, are not pistols and are classified as “any other weapon” under the NFA.

Timetable:

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17624
NPRM Comment Period End	05/09/05	
Final Action	02/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** 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-AA23

1657. COMMERCE IN EXPLOSIVES—AMENDED DEFINITION OF PROPELLANT ACTUATED DEVICE

Priority: Other Significant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to clarify that the term “propellant actuated device” does not include hobby rocket motors or rocket-motor reload kits consisting of or containing ammonium perchlorate composite propellant (APCP), black powder, or other similar low explosives.

Timetable:

Action	Date	FR Cite
NPRM	08/11/06	71 FR 46174
NPRM Comment Period End	11/09/06	
Final Action	01/00/08	

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-AA24

1658. THE U.S. MUNITIONS IMPORT LIST AND IMPORT RESTRICTIONS APPLICABLE TO CERTAIN COUNTRIES

Priority: Other Significant**Legal Authority:** 22 USC 2778**CFR Citation:** 27 CFR 447**Legal Deadline:** None

Abstract: The Bureau of Alcohol, Tobacco, Firearms, and Explosives is amending the regulations to revise the U.S. Munitions Import List and the proscribed countries list based upon sanctions or embargoes imposed by the U.S. State Department.

Timetable:

Action	Date	FR Cite
Final Action	01/00/08	

Regulatory Flexibility Analysis**Required:** No

DOJ—ATF

Final Rule Stage

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Elizabeth Gillis,
Department of Justice, Bureau of
Alcohol, Tobacco, Firearms, and
Explosives, 650 Massachusetts Avenue
NW, Washington, DC 20226
Phone: 202 927-0396
Email: elizabeth.gillis@atf.gov

RIN: 1140-AA29**1659. COMMERCE IN EXPLOSIVES—
STORAGE OF SHOCK TUBE WITH
DETONATORS****Priority:** Other Significant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None

Abstract: The Department of Justice is
amending the regulations of the Bureau
of Alcohol, Tobacco, Firearms, and
Explosives (ATF) by allowing shock
tube to be stored with detonators.

Timetable:

Action	Date	FR Cite
NPRM	01/29/03	68 FR 4406
NPRM Comment Period End	04/29/03	
NPRM Comment Period Reopened	06/23/03	68 FR 37109
Reopened NPRM Comment Period End	07/07/03	
Final Action	03/00/08	

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

Additional Information: This rule
addresses one of the proposals made
in RIN 1140-AA01; transferred from
RIN 1512-AB48

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-AA30

Department of Justice (DOJ)

Long-Term Actions

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

**1660. IMPLEMENTATION OF THE
SAFE EXPLOSIVES ACT****Priority:** Other Significant**CFR Citation:** 27 CFR 555**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/20/03	68 FR 13768
Interim Final Rule Comment Period End	06/18/03	
Final Action	04/00/08	

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

Agency Contact: James P. Ficaretta
Phone: 202 927-8203

RIN: 1140-AA00**1661. COMMERCE IN EXPLOSIVES
(INCLUDING EXPLOSIVES IN THE
FIREWORKS INDUSTRY)
(RULEMAKING RESULTING FROM A
SECTION 610 REVIEW)****Priority:** Other Significant**CFR Citation:** 27 CFR 555**Timetable:**

Action	Date	FR Cite
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	
NPRM Comment Period Reopened	06/23/03	68 FR 37109

Action	Date	FR Cite
NPRM Reopened Comment Period End	07/07/03	
Final Action	To Be Determined	

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

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA01**1662. RESIDENCY REQUIREMENT
FOR PERSONS ACQUIRING
FIREARMS****Priority:** Other Significant**CFR Citation:** 27 CFR 478**Timetable:**

Action	Date	FR Cite
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	04/00/08	

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

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA05**1663. IMPLEMENTATION OF PUBLIC
LAW 105-277 RELATING TO SECURE
GUN STORAGE****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 478**Timetable:**

Action	Date	FR Cite
NPRM	04/00/08	

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

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA10**1664. IMPLEMENTATION OF THE
SAFE EXPLOSIVES ACT—DELIVERY
OF EXPLOSIVE MATERIALS BY
COMMON OR CONTRACT CARRIER****Priority:** Other Significant**CFR Citation:** 27 CFR 555**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/11/03	68 FR 53509
Interim Final Rule Effective	09/11/03	
Interim Final Rule Comment Period End	10/14/03	
Final Action	04/00/08	

**Regulatory Flexibility Analysis
Required:** No

DOJ—ATF

Long-Term Actions

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: James P. Ficaretta
 Phone: 202 927-8203
RIN: 1140-AA20

1665. COMMERCE IN EXPLOSIVES—SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS

Priority: Other Significant
CFR Citation: 27 CFR 555
Timetable:

Action	Date	FR Cite
NPRM	04/00/08	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Elizabeth Gillis
 Phone: 202 927-0396
 Email: elizabeth.gillis@atf.gov
RIN: 1140-AA27

1666. IMPLEMENTATION OF THE USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005 REGARDING TRAFFICKING IN CONTRABAND CIGARETTES OR SMOKELESS TOBACCO

Priority: Other Significant
CFR Citation: 27 CFR 646

Timetable:

Action	Date	FR Cite
NPRM	04/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James P. Ficaretta
 Phone: 202 927-8203

RIN: 1140-AA31

Department of Justice (DOJ)

Completed Actions

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

1667. COMMERCE IN FIREARMS—AMENDED DEFINITION OF “ALIEN ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES”

Priority: Other Significant
CFR Citation: 27 CFR 478

Completed:

Reason	Date	FR Cite
Withdrawn	02/13/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elizabeth Gillis
 Phone: 202 927-0396
 Email: elizabeth.gillis@atf.gov

RIN: 1140-AA28

Department of Justice (DOJ)

Proposed Rule Stage

Drug Enforcement Administration (DEA)

1668. 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 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.

Timetable:

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	01/00/08	
NPRM Comment Period End	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Additional Information: DEA-142
URL For Public Comments: www.regulations.gov
Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
 Phone: 202 307-7297
RIN: 1117-AA40

1669. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES

Priority: Other Significant
Legal Authority: 21 USC 821; 21 USC 829; 21 USC 871(b)
CFR Citation: 21 CFR 1306
Legal Deadline: None

Abstract: DEA is revising its regulations to permit DEA-registered prescribers to write and sign

prescriptions electronically. These revised regulations would be in 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 revised regulations would reduce paperwork and transaction times for DEA registrants who dispense or prescribe controlled substances. The revised 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 revised regulations are consistent with

DOJ—DEA

Proposed Rule Stage

paperwork reduction mandates. These revised 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.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/01	66 FR 13274
NPRM	11/00/07	
NPRM Comment	02/00/08	
Period End		

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: DEA-218

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AA61

1670. 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 revising and reorganizing 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 clarify and to reorganize the current regulations further. The regulations will be drafted in plain language to make them easier to understand.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-221

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AA63

1671. 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. This rule establishes a concentration limit for chemical mixtures containing GBL. Currently, all chemical mixtures containing GBL are exempt from regulation. These mixtures will remain exempt until publication of a final rule. GBL is used in the illicit manufacture of gamma-hydroxybutyric acid (GHB), a Schedule I controlled substance.

Timetable:

Action	Date	FR Cite
ANPRM	07/19/02	67 FR 47493
Correction	08/19/02	67 FR 53842
Correction	09/05/02	67 FR 56776
ANPRM Comment	09/17/02	
Period End		
NPRM	09/00/07	
NPRM Comment	11/00/07	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-222

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration

Phone: 202 307-7297

Related RIN: Related to 1117-AA31

RIN: 1117-AA64

1672. 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. By this rulemaking (1117-AA66), DEA is making 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. Based on information available, DEA will 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.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/03	68 FR 4968
ANPRM Comment	04/01/03	
Period End		
NPRM	12/00/07	
NPRM Comment	02/00/08	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-228

URL For Public Comments:

dea.diversion.policy@usdoj.gov

DOJ—DEA

Proposed Rule Stage

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

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

RIN: 1117-AA66

1673. ELECTRONIC APPLICATION FOR CONTROLLED SUBSTANCES AND LISTED CHEMICAL REGISTRATION: TECHNICAL AMENDMENTS

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 1301; 21 CFR 1309

Legal Deadline: None

Abstract: DEA is amending its regulations to acknowledge the use of the electronic equivalent to the DEA official paper registration application forms, which are legally required for every person who manufactures, distributes, dispenses, imports, or exports any controlled substance. The use of electronic application forms will reduce paperwork and transaction times for DEA registrants who choose to apply for controlled substances registration electronically. Electronic application for registration is in addition to, not a replacement of, the current paper-based application system.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	
NPRM Comment Period End	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-256

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AA91

1674. LIMITED EXEMPTION FOR PEYOTE USE IN TRADITIONAL CEREMONIES WITH A TRADITIONAL INDIAN RELIGION BY MEMBERS OF FEDERALLY RECOGNIZED INDIAN TRIBES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 821; 21 USC 822(d); 21 USC 871(b)

CFR Citation: 21 CFR 1306.31

Legal Deadline: None

Abstract: The Drug Enforcement Administration (DEA) is amending its regulation addressing the use of peyote to clarify that the possession, transportation, and use of peyote is lawful only when such activities are engaged in by a member of a federally recognized Indian tribe for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion. This rule is designed to bring the language of DEA's regulatory exemption for the limited use of peyote into harmony with the historical purpose for the regulatory exemption and to comport with the language of the American Indian Religious Freedom Act Amendments of 1994. Use, possession, and transportation of peyote, as well as the cultivation, harvesting, and distribution of peyote, other than as permitted by the American Indian Religious Freedom Act amendments, is permissible only pursuant to a DEA registration and in accordance with the Controlled Substances Act and applicable State laws.

Timetable:

Action	Date	FR Cite
NPRM	02/00/08	
NPRM Comment Period End	04/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA-268

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AA97

1675. CHANGES TO PATIENT LIMITATION FOR DISPENSING OR PRESCRIBING APPROVED NARCOTIC CONTROLLED SUBSTANCES FOR MAINTENANCE OR DETOXIFICATION TREATMENT BY QUALIFIED INDIVIDUAL PRACTITIONERS

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 remove the group practice limitation for practitioners who dispense or prescribe certain narcotic drugs for maintenance treatment or detoxification treatment. This change will make the DEA regulations consistent with recent changes to the Controlled Substances Act that removed the patient limitation on prescribing drug addiction treatments by practitioners in group practices. DEA is also amending its regulations to permit certain qualifying physicians to dispense and prescribe narcotic controlled substances in maintenance or detoxification treatment to up to 100 patients at any one time, after the practitioner submits to the Secretary of the Department of Health and Human Services a notification of the practitioner's need and intent to treat the increased number of patients.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA-275

URL For More Information:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AA99

DOJ—DEA

Proposed Rule Stage

1676. • COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005: FEE FOR SELF-CERTIFICATION FOR REGULATED SELLERS OF SCHEDULED LISTED CHEMICAL PRODUCTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 842; 21 USC 871(b); 21 USC 875; 21 USC 877

CFR Citation: 21 CFR 1314

Legal Deadline: None

Abstract: As part of its implementation of the Combat Methamphetamine Epidemic Act of 2005 (CMEA), “regulated sellers” or persons or entities selling scheduled listed chemical products at retail locations are required to self-certify with the Drug Enforcement Administration (DEA) relative to certain requirements of the CMEA. To recover the full costs of the certification process, which is part of the Diversion Control Program as mandated by the Controlled Substances Act, the DEA is proposing to charge regulated sellers, who are not DEA registrants, a fee for self-certification.

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	
NPRM Comment Period End	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA 298

URL For Public Comments:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AB13

1677. • RECORD REQUIREMENTS FOR CHEMICAL DISTRIBUTORS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 21 USC 802; 21 USC 827(h); 21 USC 830; 21 USC 871; 21 USC 890;

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: In March 2006, Congress enacted the Combat Methamphetamine Epidemic Act of 2005, which mandates that regulated sellers of scheduled listed chemical products self-certify with DEA before they are allowed to sell these products at retail. DEA is revising its recordkeeping requirements to include a requirement that manufacturers, distributors, and importers obtain and maintain the certification number issued by DEA to regulated sellers in their records of sales. This change will ensure that registrants verify that the regulated sellers to whom they distribute have successfully completed the mandatory self-certification process imposed by the CMEA for sales of scheduled listed chemical products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket No. DEA-302

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AB14

1678. • NEW SINGLE-SHEET FORMAT FOR U.S. OFFICIAL ORDER FORM FOR SCHEDULE I AND II CONTROLLED SUBSTANCES (DEA FORM-222)

Priority: Other Significant

Legal Authority: 21 USC 821; 21 USC 828; 21 USC 871(b)

CFR Citation: 21 CFR 1305

Legal Deadline: None

Abstract: The Drug Enforcement Administration is amending its regulations to implement a new format for order forms (DEA Form 222), which are issued by DEA to DEA registrants to allow them to order Schedule I and/or II controlled substances. The present format utilizes a three-part, carbon-copy form with copies 2 and 3 replicating copy 1. The format will employ a single-sheet form. The new form will have enhanced security features and will be easier for DEA registrants to use.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-303

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AB15

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

Final Rule Stage

1679. 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: 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 clandestine laboratories produce methamphetamine using over-the-counter regulated drug products. DEA has received numerous reports regarding the theft of large quantities of these products at the wholesale level.

DEA drafted a rule to require that manufacturers, distributors, importers, and exporters of pseudoephedrine, ephedrine, and phenylpropanolamine implement security procedures similar to those of Schedule III-V controlled substances to prevent the theft and diversion of these List I chemicals. 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 also sought input regarding alternative means to effectively prevent the theft and diversion of these products.

Based on the comments received regarding the NPRM, DEA will publish a Notice withdrawing this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/30/04	69 FR 45616
NPRM Comment Period End	10/28/04	
Notice of Withdrawal of Proposed Rule	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-211

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration

Phone: 202 307-7297

RIN: 1117-AA62

1680. CHANGES IN THE REGULATION OF IODINE AND ITS CHEMICAL MIXTURES

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: This rulemaking changes the regulation of the listed chemical iodine. The regulatory changes are to 1) move iodine from List II into List I, 2) remove the exemption for import and export transactions in iodine, 3) remove the threshold for iodine, and 4) establish a concentration limit of 2.2 percent for the automatic exemption of chemical mixtures containing iodine.

These changes are expected to remove deficiencies in the current regulatory controls, which have been exploited by traffickers. When finalized, persons handling regulated transactions of iodine will need to be registered with the Drug Enforcement Administration.

This regulation revises regulatory controls that will apply to iodine crystals and iodine chemical mixtures which contain greater than 2.2 percent iodine. This regulation will therefore control iodine crystals and strong iodine tinctures/solutions (e.g., 7 percent iodine) that do not have common household uses and instead have limited application in livestock, horses, and for disinfection of equipment. Household products, such as 2 percent iodine tincture/solution and household disinfectants containing iodine complexes, will not be adversely impacted by this regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/11/06	71 FR 46144
NPRM Comment Period End	10/10/06	
Final Action	06/00/07	
Final Action Effective	07/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-257

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AA93

1681. DEFINITION OF POSITIONAL ISOMER AS IT PERTAINS TO THE CONTROL OF SCHEDULE I CONTROLLED SUBSTANCES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 871(b); 21 USC 951; 21 USC 958(f)

CFR Citation: 21 CFR 1300

Legal Deadline: None

Abstract: The Controlled Substances Act (CSA) and its implementing regulations specify which hallucinogenic substances are considered Schedule I controlled substances. The CSA states that all salts, isomers, and salts of isomers of these substances are also Schedule I controlled substances.

The CSA states that the term "isomers" as it pertains to Schedule I hallucinogens shall include "optical, positional, and geometric isomers." This rule adds a specific, technical definition for the term "positional isomer" as it relates to Schedule I hallucinogens. The definition includes precise language that will allow for an unambiguous determination of which isomers of Schedule I hallucinogenic substances are considered to be "positional," and therefore subject to Schedule I control.

Timetable:

Action	Date	FR Cite
NPRM	05/25/06	71 FR 30097
NPRM Comment Period End	07/24/06	
Final Action	04/00/07	
Final Action Effective	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA-260

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration

DOJ—DEA

Final Rule Stage

Phone: 202 307-7297

RIN: 1117-AA94

1682. REEXPORTATION OF CONTROLLED SUBSTANCES**Priority:** Other Significant**Legal Authority:** 21 USC 952; 21 USC 953; 21 USC 954; 21 USC 957; 21 USC 958**CFR Citation:** 21 CFR 1312**Legal Deadline:** None

Abstract: This rulemaking amends existing DEA regulations to allow for the reexportation of Schedules I and II controlled substances and narcotic controlled substances in Schedule III and IV from the United States to another country for subsequent reexport from that country to a second country if certain conditions and safeguards are met. These amendments are being made to implement the Controlled Substances Export Reform Act of 2005.

Timetable:

Action	Date	FR Cite
NPRM	10/18/06	71 FR 61436
NPRM Comment Period End	12/18/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket DEA-276**URL For More Information:**

www.regulations.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AB00

1683. ISSUANCE OF MULTIPLE PRESCRIPTIONS FOR SCHEDULE II CONTROLLED SUBSTANCES**Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 829; 21 USC 871(b)**CFR Citation:** 21 CFR 1306**Legal Deadline:** None

Abstract: DEA is amending its regulations to allow practitioners to

provide individual patients with multiple prescriptions, to be filled sequentially, for the same Schedule II controlled substance, with such multiple prescriptions having the combined effect of allowing a patient to receive over time up to a 90-day supply of that controlled substance.

Timetable:

Action	Date	FR Cite
NPRM	09/06/06	71 FR 52724
NPRM Comment Period End	11/06/06	
Final Action	08/00/07	
Final Action Effective	09/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket DEA-287**URL For Public Comments:**

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AB01

1684. AUTHORIZED SOURCES OF NARCOTIC RAW MATERIAL**Priority:** Other Significant**Legal Authority:** 21 USC 952; 21 USC 953; 21 USC 954; 21 USC 957; 21 USC 958**CFR Citation:** 21 CFR 1312**Legal Deadline:** None

Abstract: DEA is amending its regulations to update the list of non-traditional countries authorized to export narcotic raw materials to the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/04/06	71 FR 58569
NPRM Comment Period End	12/04/06	
Final Action	10/00/07	
Final Action Effective	11/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket DEA-282**URL For Public Comments:**

www.regulations.gov

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration

Phone: 202 307-7183

RIN: 1117-AB03

1685. SCHEDULES OF CONTROLLED SUBSTANCES: EXEMPT ANABOLIC STEROID PRODUCTS**Priority:** Other Significant**Legal Authority:** 21 USC 811; 21 USC 812; 21 USC 871(b)**CFR Citation:** 21 CFR 1308**Legal Deadline:** None

Abstract: The Drug Enforcement Administration is designating six pharmaceutical preparations as exempt anabolic steroid products under the Controlled Substances Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/06	71 FR 51996
Interim Final Rule Effective	09/01/06	
Interim Final Rule Comment Period End	10/31/06	
Final Action	06/00/07	
Final Action Effective	06/00/07	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Docket DEA-289**URL For Public Comments:**

www.regulations.gov

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration

Phone: 202 307-7183

RIN: 1117-AB04

DOJ—DEA

Final Rule Stage

1686. RETAIL SALES OF SCHEDULED LISTED PRODUCTS; SELF-CERTIFICATION OF REGULATED SELLERS OF SCHEDULED LISTED CHEMICAL PRODUCTS**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1300; 21 CFR 1309; 21 CFR 1310; 21 CFR 1314**Legal Deadline:** Other, Statutory, September 30, 2006, title VII of Public Law 109-177.**Abstract:** This rule implements retail provisions of the Combat Methamphetamine Epidemic Act of 2005 (title VII of Pub. L. 109-177). Provisions include daily and 30-day sales limits for these products, product placement requirements (behind the counter), logbook and identification requirements for purchasers, training of employees of the seller, and self-certification by the seller regarding compliance of the Act.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/06	71 FR 56008
Interim Final Rule Effective	09/21/06	
Interim Final Rule Effective: Sections 1314.20, 1314.25, and 1314.30	09/30/06	
Correction	10/13/06	71 FR 60609
Interim Final Rule Effective: Section 1314.30(a)(2)	11/27/06	
Interim Final Rule Comment Period End	11/27/06	
Final Action	06/00/07	
Final Action Effective	07/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket DEA-291**URL For Public Comments:** www.regulations.gov**Agency Contact:** Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297**RIN:** 1117-AB05**1687. IMPLEMENTATION OF THE COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005; NOTICE OF TRANSFERS FOLLOWING IMPORTATION OR EXPORTATION****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 951; 21 USC 958(f); 21 USC 971**CFR Citation:** 21 CFR 1300; 21 CFR 1313**Legal Deadline:** None**Abstract:** This rule implements the "spot market" [provisions] of the Combat Methamphetamine Epidemic Act of 2005 (title VII of Pub. L. 109-177). Importers, exporters, and persons conducting international transactions of all List I and List II chemicals will now be required to provide DEA with information on the person to whom they will transfer the listed chemicals and the amount to be transferred, and must now provide a return declaration once the importation, exportation, or international transaction has occurred. These provisions will allow DEA to monitor efficiently the flow of chemicals that can be used illicitly to manufacture controlled substances.**Timetable:**

Action	Date	FR Cite
Interim Final Rule with Request for Comments	04/09/07	72 FR 17401
Interim Final Rule Effective	05/09/07	
Interim Final Rule Comment Period End	05/09/07	
Final Action	02/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket DEA-292**URL For More Information:** www.regulations.gov**Agency Contact:** Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297**RIN:** 1117-AB06**1688. INFORMATION ON FOREIGN CHAIN OF DISTRIBUTION FOR CERTAIN LIST I CHEMICALS****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 970**CFR Citation:** 21 CFR 1313**Legal Deadline:** None**Abstract:** The Combat Methamphetamine Epidemic Act of 2005, which was enacted on March 9, 2006, requires DEA to collect from importers of ephedrine, pseudoephedrine, and phenylpropanolamine all information known to the importer on the chain of distribution of the chemical from the manufacturer to the importer. DEA is amending its regulations to incorporate the requirement for this information into the import declaration.**Timetable:**

Action	Date	FR Cite
Final Action	10/00/07	
Final Action Effective	11/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Docket DEA-295**URL For More Information:** www.regulations.com**Agency Contact:** Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297**RIN:** 1117-AB07**1689. IMPORT AND PRODUCTION QUOTAS FOR CERTAIN LIST I CHEMICALS****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 826; 21 USC 871(b); 21 USC 952**CFR Citation:** 21 CFR 1315**Legal Deadline:** None**Abstract:** This rule implements the import and production quota provisions of the Combat Methamphetamine Epidemic Act of 2005 (title VII of Pub. L. 109-177). These provisions require ephedrine, pseudoephedrine, and phenylpropanolamine be subject to the production quota provisions for

DOJ—DEA

Final Rule Stage

Schedule I and II controlled substances, and establishes new requirements for import quotas for these three List I chemicals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/07	
Interim Final Rule Effective	07/00/07	
Interim Final Rule Comment Period End	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA-293

URL For Public Comments:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AB08

1690. REGISTRATION LIST REQUIREMENTS FOR LIST I CHEMICALS

Priority: Other Significant

Legal Authority: 21 USC 821 to 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: This rule supports those rules implementing the Combat Methamphetamine Epidemic Act of 2005 (title VII, Pub. L. 109-177) by ensuring that every location that manufactures the List I chemicals ephedrine, pseudoephedrine, or phenylpropanolamine; or a drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine; is registered with the DEA to conduct this activity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/07	
Interim Final Rule Effective	09/00/07	
Interim Final Rule Comment Period End	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA-294

URL For Public Comments:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

Related RIN: Related to 1117-AB08

RIN: 1117-AB09

1691. REMOVAL OF THRESHOLDS FOR THE LIST I CHEMICALS EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 827(h); 21 USC 830; 21 USC 871(b); 21 USC 890

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: This rule removes domestic, import, and export thresholds for the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. This action is being taken both to implement the quota provisions of the Combat Methamphetamine Epidemic Act of 2005 and due to the potential for diversion of these List I Chemicals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/07	
Interim Final Rule Effective	07/00/07	
Interim Final Rule Comment Period End	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA-296

URL For Public Comments:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

Related RIN: Related to 1117-AB08

RIN: 1117-AB10

1692. ELIMINATION OF EXEMPTION FOR CHEMICAL MIXTURES CONTAINING THE LIST I CHEMICALS EPHEDRINE AND/OR PSEUDOEPHEDRINE

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 827(h); 21 USC 871(b); 21 USC 830; 21 USC 890

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: This rule supports implementation of the quota provisions of the Combat Methamphetamine Epidemic Act of 2005 by removing the concentration limits for chemical mixtures containing the list I chemicals ephedrine and pseudoephedrine. This rule also removes the exemption for harvested plant materials. The effect of this rule is to make any chemical mixture, including plant material that contains ephedrine or pseudoephedrine, subject to all DEA regulatory requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/07	
Interim Final Rule Effective	06/00/07	
Interim Final Rule Comment Period End	07/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA-284

URL For Public Comments:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

Related RIN: Related to 1117-AB08

RIN: 1117-AB11

1693. • CONTROL OF A CHEMICAL PRECURSOR USED IN THE ILLICIT MANUFACTURE OF FENTANYL AS A LIST I CHEMICAL

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 827(h); 21 USC 830; 21 USC 871(b); 21 USC 890;

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CFR Citation: 21 CFR 1310.02; 21 CFR 1310.04; 21 CFR 1310.09; 21 CFR 1310.12

Legal Deadline: None

Abstract: This rulemaking controls the chemical N-phenethyl-4-piperidone (NPP) as a List I chemical under the Controlled Substances Act (CSA). Clandestine laboratories are using this chemical to illicitly manufacture the Schedule II controlled substance fentanyl.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/07	
Interim Final Rule	06/00/07	
Comment Period End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Docket DEA 299I

URL For Public Comments: www.regulations.gov

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7183

RIN: 1117-AB12

Department of Justice (DOJ)

Completed Actions

Drug Enforcement Administration (DEA)

1694. 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. The final rule implementing these regulations provided an exemption from the recordkeeping and reporting requirements both domestic and import transactions in mixtures containing the List II chemicals acetone, ethyl ether, 2-butanone, and toluene, which had not been discussed as part of the Notice of Proposed Rulemaking. As this exemption was implemented on an interim basis, DEA must publish a final rule regarding this exemption.

Timetable:

Action	Date	FR Cite
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	12/15/04	69 FR 74957
Correction	01/04/05	70 FR 294
Comment Period End	01/14/05	
Final Rule Effective	01/14/05	
Temporary Waiver	02/04/05	70 FR 5925
Final Action	03/12/07	72 FR 10925
Final Action Effective	03/12/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-137

TRANSFERRED RIN: This rulemaking RIN 1117-AA31 (a former "parent" RIN) continues the "child" rulemaking previously listed in its timetable as RIN 1117-AA76. Former RIN 1117-AA76 was transferred to RIN 1117-AA31 because the computer system used by the Regulatory Information Service Center (RISC) to compile the Unified Agenda no longer supports "parent" and "child" RINs. This rulemaking is not a new action.

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7297

RIN: 1117-AA31

1695. CLARIFICATION OF REGISTRATION REQUIREMENTS FOR INDIVIDUAL PRACTITIONERS

Priority: Other Significant

CFR Citation: 21 CFR 1301

Completed:

Reason	Date	FR Cite
Final Action	12/01/06	71 FR 69478

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark W. Caverly
Phone: 202 307-7297

RIN: 1117-AA89

1696. SCHEDULES OF CONTROLLED SUBSTANCES: EXEMPT ANABOLIC STEROID PRODUCTS

Priority: Substantive, Nonsignificant

CFR Citation: 21 CFR 1308.33; 21 CFR 1308.34

Completed:

Reason	Date	FR Cite
Final Action	10/20/06	71 FR 61876

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark W. Caverly
Phone: 202 307-7297

RIN: 1117-AA98

1697. TECHNICAL CORRECTION OF TWO ANABOLIC STEROID NAMES

Priority: Info./Admin./Other

CFR Citation: 21 CFR 1300.01

Completed:

Reason	Date	FR Cite
Final Action	10/13/06	71 FR 60426

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark W. Caverly
Phone: 202 307-7297

RIN: 1117-AB02

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

Proposed Rule Stage

1698. 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 1003

Legal Deadline: None

Abstract: This rule amends the Department's 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 1003.102 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	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
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RIN: 1125-AA18

1699. 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 1003; 8 CFR 1240

Legal Deadline: None

Abstract: This rule amends Department regulations by establishing procedures for 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	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
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RIN: 1125-AA35

1700. INTERNATIONAL MARRIAGE BROKERS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101, 1103, 1324a, 1324b, 1324c, 1375a; PL 109-162, sec. 831 et seq.; 5 USC 301, 554

CFR Citation: 8 CFR 1270

Legal Deadline: None

Abstract: This rule amends the Department of Justice regulations by specifying the procedures for adjudicating alleged violations by international marriage brokers doing business in the United States, that fail to provide required information to persons recruited for matchmaking through these entities or that fail to search sex offender registries. This rule implements the procedures for the disposition of cases arising under section 833 of the International Marriage Broker Regulation Act of 2005. This rule is necessary to deter fraudulent marriages and the exploitation or recruits by international marriage brokers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 1615-AA11

RIN: 1125-AA45

DOJ—EOIR

Proposed Rule Stage

1701. JURISDICTION AND VENUE IN REMOVAL PROCEEDINGS**Priority:** Other Significant**Legal Authority:** 5 USC 301; 8 USC 1101 note; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1324b; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950, sec 2, 3 CFR, 1949 to 1953 Comp, p 1002; PL 100–105 sec 203; 111 Stat 2196–200; PL 106–386 sec 1506; PL 106–386, sec 1510; 114 Stat 1527–29, 1531 to 1532; PL 106–554, sec 1505; 114 Stat 2763A, 326 to 328; 8 USC 1229a**CFR Citation:** 8 CFR 1003.20(a)**Legal Deadline:** None**Abstract:** This rule amends the Department of Justice regulation addressing jurisdiction and venue in removal proceedings. This regulatory change is necessary due to the increasing number of removal hearings being conducted by telephone or video conference, and will clarify the issue of venue for cases involving multiple geographic locations.**Timetable:**

Action	Date	FR Cite
NPRM	03/28/07	72 FR 14494
NPRM Comment Period End	04/27/07	
Final Action	02/00/08	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

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RIN: 1125–AA52**1702. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; RULES GOVERNING IMMIGRATION PROCEEDINGS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 8 USC 1101, note; 8 USC 1103; 8 USC 1229; 8 USC 1229a; 8 USC 1231; 8 USC 1231, note; 8 USC 1245; 8 USC 1324b; 8 USC 1362; 28 USC 509 to 519; 28 USC 1746; sec 2 Reorg Plan No 2 of 1950, 3 CFR 1949 to 1953 Comp, p 1002; PL

105–100, sec 203; PL 106–386, sec 1506; PL 106–386, sec 1510; PL 106–554, sec 1505; PL 106–554, sec 1510

CFR Citation: 8 CFR 1003; 8 CFR 1161; 8 CFR 1171**Legal Deadline:** None**Abstract:** This rule revises the procedures before immigration judges and the Board of Immigration Appeals of the Executive Office for Immigration Review (EOIR), to clarify and improve the administrative adjudication of immigration proceedings. The rule is intended to improve fairness to aliens and to the Government, represented by the Department of Homeland Security, in removal, exclusion, deportation, asylum-only and other proceedings, reduce delays in the adjudicative process, enable EOIR to better manage its caseload, reduce the existing backlog of cases, and provide for better focus on cases presenting significant issues of law and fact for resolution.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

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RIN: 1125–AA53**1703. • PROFESSIONAL CONDUCT FOR PRACTITIONERS—RULES AND PROCEDURES, AND REPRESENTATION AND APPEARANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 6 USC 521; 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1155; 8 USC 1158; 8 USC 1182; 8 USC 1226; 8 USC 1229; 8 USC 1229a; 8 USC 1229b; 8 USC 1229c; 8 USC 1231; 8 USC 1254a; 8 USC 1255; 8 USC 1324d; 8 USC 1330; 8 USC 1361; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950,

sec 2, 3 CFR 1949 to 1953 Comp, p 1002; PL 105–100, sec 203, 111 Stat 2196–200; PL 106–386, sec 1506 and 1510, 114 Stat 1527 to 1529, 1531 to 1532; PL 106–554, sec 1505, 114 Stat 2763A–326 to 2763A–328

CFR Citation: 8 CFR 1003.1**Legal Deadline:** None**Abstract:** This rule proposes to change the rules and procedures concerning the standards of representation and professional conduct for attorneys and other practitioners who appear before Executive Office for Immigration Review (EOIR), which includes the immigration judges and the Board of Immigration Appeals (Board). Current regulations set forth who may represent individuals in proceedings before EOIR and also set forth the rules and procedures for imposing disciplinary sanctions against attorneys or other practitioners who engage in criminal, unethical, or unprofessional conduct before EOIR. The proposed revisions would increase the number of grounds for discipline and improve the clarity and uniformity of the existing rules while incorporating miscellaneous technical and procedural changes. The changes proposed herein are based upon the Attorney General's recent initiative for improving both the immigration courts and the Board, which includes measures to update the sanction authorities of the immigration judges and the Board for professional misconduct, as well as EOIR's operational experience in administering the program over the last six years.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

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RIN: 1125–AA59

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

Final Rule Stage

1704. 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 1240

Legal Deadline: None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review by eliminating the conditional grant process at 8 CFR 1240.21 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	FR Cite
Interim Final Rule	09/30/98	63 FR 52134
Interim Final Rule Comment Period End	11/30/98	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

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RIN: 1125-AA25

1705. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AND THE CHIEF IMMIGRATION JUDGE

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 1003; 8 CFR 1240

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) 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 and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81434
NPRM Comment Period End	02/26/01	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

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RIN: 1125-AA27

1706. 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 and 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 1003

Legal Deadline: None

Abstract: This 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. EOIR will be publishing a final rule to respond to comments and complete this rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/17/01	66 FR 37119
Interim Final Rule Comment Period End	09/17/01	
Final Action	10/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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Phone: 703 305-0470

Email: eoir.regs@usdoj.gov

RIN: 1125-AA31

1707. 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 to 1953 Comp, p 1002; sec 203 of PL 105-100, 111 Stat 2196-200; secs 1506 and 1510 of PL 106-386, 114 Stat 1527-29, 1531-32; sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

CFR Citation: 8 CFR 1003

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	FR Cite
Interim Final Rule	05/28/02	67 FR 36799

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Action	Date	FR Cite
Interim Final Rule	07/29/02	
Comment Period End		
Final Action	12/00/07	

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

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RIN: 1125-AA38

1708. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ATTORNEY/REPRESENTATIVE REGISTRY

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1362**CFR Citation:** 8 CFR 1001.1; 8 CFR 1003.0**Legal Deadline:** None

Abstract: This rule concerns the Attorney General's authority to authorize practitioners 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 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. Registered practitioners will be assigned a unique User ID 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	FR Cite
NPRM	12/30/03	68 FR 75160
NPRM Comment Period End	03/01/04	
Final Action	01/00/08	

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

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RIN: 1125-AA39

1709. 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 1003; 8 CFR 1103; 8 CFR 1280**Legal Deadline:** None

Abstract: This final rule removes the Board of Immigration Appeals' (Board) jurisdiction over appeals of Department of Homeland Security (DHS) decisions involving administrative fines under part 1280 of title 8 CFR, and transfers that authority to Office of the Chief Administrative Hearing Officer (OCAHO). Part 1280 governs the imposition and collection 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	FR Cite
NPRM	02/19/02	67 FR 7309
NPRM Comment Period End	03/21/02	
Final Rule	11/00/07	

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

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

1710. DEFINITIONS; FEES; POWERS AND AUTHORITY OF DHS OFFICERS IN REMOVAL PROCEEDINGS

Priority: Info./Admin./Other

Legal Authority: 8 USC 1101, 1103, 1182, 1221, 1225, 1226, 1251, 1252, 1357, 1362, 1304, 13246, 1356; 28 USC 509, 510, 1746; 5 USC 301;

CFR Citation: 8 CFR 1003; 8 CFR 1103**Legal Deadline:** None

Abstract: This rule amends regulations relating to the Executive Office for Immigration Review to conform with certain regulatory changes made by the

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Department of Homeland Security (DHS) for consistency and for the ease of the reader. This rule makes no substantive changes in the Department of Justice regulations, but makes appropriate revisions to the definitions and fee provisions and the regulations relating to issuance of notices to appear and subpoenas in the EOIR regulations, in order to avoid confusing and unnecessary duplication of provisions already set forth in the DHS regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/28/04	69 FR 44903
Interim Final Rule Effective	07/28/04	
Interim Final Rule Comment Period End	08/27/04	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA43

1711. BACKGROUND AND SECURITY INVESTIGATION CHECKS IN PROCEEDINGS BEFORE IMMIGRATION JUDGES AND THE BOARD OF IMMIGRATION APPEALS

Priority: Other Significant

Legal Authority: 5 USC 301; 8 USC 1101 note, 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note, 1252a, 1252b, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; secs 202 and 203 of PL 105-100, 111 Stat 2160, 2193, 2196-200; sec 902, PL 105-277, 112 Stat 2681; secs 1506 and 1510 of PL 106-386, 114 Stat 1527 to 1529, 1531 to 1532; sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

CFR Citation: 8 CFR 1003

Legal Deadline: None

Abstract: This rule amends regulations governing the Executive Office for

Immigration Review to ensure that the necessary identity, law enforcement, and security investigations are properly initiated and have been completed by the Department of Homeland Security before the immigration judges and the Board adjudicate certain applications for relief.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/05	70 FR 4743
Interim Final Rule Effective	04/01/05	
Interim Final Rule Comment Period End	04/01/05	
Interim Final Rule Comment Period Extended	03/31/05	70 FR 16398
Interim Final Rule Comment Period End	05/02/05	
Final Action	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA44

1712. REOPENED PROCEEDINGS ON PETITIONS FOR ALIEN ENTREPRENEUR IMMIGRANT CLASSIFICATION (EB-5 VISAS)

Priority: Other Significant

Legal Authority: 8 USC 11866

CFR Citation: 8 CFR 1003; 8 CFR 1216; 8 CFR 1240

Legal Deadline: None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review (EOIR) of the Department of Justice (Department) to implement changes made by the 21st Century Department of Justice Appropriations Authorization Act of 2001, Public Law 107-273 (November 2, 2002), to the EB-5 Alien Entrepreneur immigrant classification. This rule will be published in conjunction with a corresponding rule of the Department of Homeland Security (DHS) that addresses changes

to their part of the adjudication. In order to be eligible, an alien must have filed a motion to reopen with the former Immigration and Naturalization Service on or before January 2, 2003, seeking reconsideration of his or her case under this new law. This rule provides the process by which certain aliens, who are seeking immigrant status as alien entrepreneurs, may obtain EOIR review of adverse determinations on the removal of the condition on permanent resident status made by United States Citizenship and Immigration Services (USCIS), a component of DHS. In addition, this rule also establishes procedures for aliens who have received favorable determinations on the removal of the condition on permanent resident status and who have final orders of deportation or removal or who have cases that are pending or administratively closed before EOIR.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/07	
Interim Final Rule Comment Period End	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

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RIN: 1125-AA49

1713. INFORMATION RELATING TO ALIENS' DUTY TO SURRENDER WHEN ORDERED REMOVED FROM THE UNITED STATES

Priority: Other Significant

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 1240; 8 CFR 1241

Legal Deadline: None

Abstract: The Department of Justice published an NPRM in 1998 and a supplemental NPRM in 2002 (RIN 1115-AE82) to establish that aliens who become subject to a final order of

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removal have a legal obligation to surrender for removal.

This rule amends the regulations of the Department of Justice to provide that immigration judges and the Board of Immigration Appeals will inform aliens in removal proceedings that they have an affirmative obligation to surrender to Department of Homeland Security (DHS) upon the issuance of a final order of removal by an immigration judge or the Board. Aliens will be informed that the failure to surrender to DHS as required under the DHS rule will result in the denial of any forms of discretionary relief from removal while the alien remains in the United States and for a period of 10 years after the alien's departure from the United States. This rule is being published jointly with DHS.

Timetable:

Action	Date	FR Cite
NPRM (RIN 1115-AE82)	09/04/98	63 FR 47205
NPRM Comment Period End (RIN 1115-AE82)	11/03/98	
Supplemental NPRM (RIN 1115-AE82)	05/09/02	67 FR 31157
Supplemental NPRM Comment Period End	06/10/02	
Final Action	08/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: This rule will finalize those portions of the rulemaking action formerly listed as RIN 1115-AE82 insofar as it relates to the regulations of the Department of Justice. The DHS rule is now RIN 1653-AA05.

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RIN: 1125-AA51

1714. ELIGIBILITY OF ARRIVING ALIENS IN REMOVAL PROCEEDINGS TO APPLY FOR ADJUSTMENT OF STATUS AND JURISDICTION TO ADJUDICATE APPLICATIONS FOR ADJUSTMENT OF STATUS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 5 USC 301; PL 105-100, sec 202; 8 USC 1182; 8 USC 1255; PL 105-277, sec 902;

CFR Citation: 8 CFR 1001.1(q); 8 CFR 1245.1; 8 CFR 1245.2(a)(1)

Legal Deadline: None

Abstract: The Secretary of Homeland Security and the Attorney General are amending their respective agencies' regulations governing applications for adjustment of status filed by paroled arriving aliens seeking to become lawful permanent residents. The Secretary and the Attorney General are also amending the regulations to clarify when United States Citizenship and Immigration Services, or the immigration judges and the Board of Immigration Appeals of the Executive Office for Immigration Review, have jurisdiction to adjudicate applications for adjustment of status by such aliens. In addition, the Secretary and the Attorney General are requesting comments on the possibility of adopting further proposals in the future to structure the exercise of discretion in adjudicating these applications for adjustment of status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/12/06	71 FR 27585
Interim Final Rule Comment Period End	06/12/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Joint rule with Department of Homeland Security (RIN 1615-AB50)

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RIN: 1125-AA55

1715. • BOARD OF IMMIGRATION APPEALS: COMPOSITION OF BOARD AND TEMPORARY BOARD MEMBERS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 6 USC 521; 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1155; 8 USC 1158; 8 USC 1182; 8 USC 1226; 8 USC 1229; 8 USC 1229a; 8 USC 1229b; 8 USC 1229c; 8 USC 1231; 8 USC 1254a; 8 USC 1255; 8 USC 1324d; 8 USC 1330; 8 USC 1361; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950, sec 2, 3 CFR 1949 to 1953 Comp, p 1002; PL 105-100, sec 203, 111 Stat 2196-200; PL 106-386, sec 1506 and 1510, 114 Stat 1527 to 1529, 1531 to 1532; PL 106-554, sec 1505, 114 Stat 2763A-326 to 2763A-328;

CFR Citation: 8 CFR 1003

Legal Deadline: None

Abstract: This rule amends the Executive Office for Immigration Review (EOIR) regulations relating to the organization of the Board of Immigration Appeals (Board) by adding four Board member positions, thereby expanding the Board to 15 members from its current level of 11. This rule also expands the list of persons eligible to serve as temporary Board members to include senior EOIR attorneys with at least ten years of experience in the field of immigration law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/07/06	71 FR 70855
Interim Final Rule Comment Period End	02/05/07	
Final Action	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA57

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1716. • BOARD OF IMMIGRATION APPEALS: AFFIRMANCE WITHOUT OPINION, REFERRAL FOR THREE-BOARD-MEMBER REVIEW, AND PUBLICATION OF DECISIONS AS PRECEDENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 6 USC 521; 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1155; 8 USC 1158; 8 USC 1182; 8 USC 1226; 8 USC 1229; 8 USC 1229a; 8 USC 1229b; 8 USC 1229c; 8 USC 1231; 8 USC 1254a; 8 USC 1255; 8 USC 1324d; 8 USC 1330; 8 USC 1361; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950, sec 2, 3 CFR 1949 to 1953 Comp, p 1002; PL 105—100, sec 203, 111 Stat 2196—200; PL 106—386, sec 1506 and 1510, 114 Stat 1527 to 1529, 1531 to 1532; PL 106—554, sec 1505, 114 Stat 2763A—326 to 2763A—328;**CFR Citation:** 8 CFR 1003.1**Legal Deadline:** None**Abstract:** These revisions implement, in part, the Attorney General's August 9, 2006, Memorandum for Immigration Judges and Members of the Board of Immigration Appeal. This interim rule

establishes that the Board may issue an affirmance without opinion (AWO) in the exercise of its discretion when it is satisfied that certain regulatory criteria are met. This provision also permits the Board to better manage its docket, budget its resources, and balance its competing adjudicatory responsibilities by allowing the Board to determine what type of decision to issue in a particular case. This regulation clarifies that the Board's decision to issue an AWO, or any other type of decision, depends on the Board's internal judgment regarding its resources and does not create personal rights and is not independently reviewable.

In addition, this rule permits three-Board-member review of a small class of particularly complex cases. The rule provides the Board with the discretion to assess its resources, and where it deems appropriate, devote more of its resources to address complex or unusual issues of law or fact by referring a case for review by a three-member panel. Finally, this rule amends the regulations relating to precedent decisions of the Board, by

authorizing publication of decisions either by a majority of Board Members in a panel or by a majority of permanent Board Members at the Board. With these tools, the Board can better manage its docket, budget its resources, and balance its competing adjudicatory responsibilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/07	
Interim Final Rule	10/00/07	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kevin J. Chapman, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

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RIN: 1125-AA58**Department of Justice (DOJ)
Federal Bureau of Investigation (FBI)**

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1717. • FBI CRIMINAL JUSTICE INFORMATION SERVICES DIVISION USER FEES**Priority:** Other Significant**Legal Authority:** PL 101-515; 28 USC 534, notes**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** Under Public Law 101-515, the FBI has the authority to establish and collect fees for fingerprint based criminal history record information (CHRI) checks and other identification services submitted by authorized users for noncriminal justice purposes including employment and licensing. This rule: 1) Revises the fees the FBI charges for performing these checks and services; 2) explains the methodology used to calculate the FBI's revised fee schedule; and 3) establishes a structure by which future fee adjustments for these checks and services will be made by a Notice published in the Federal Register.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment	08/00/07	
Period End		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Agency Contact:** Petra Miller, Management and Program Analyst—CJIS Division; Financial Mgmt., Department of Justice, Federal Bureau of Investigation, Module D-3, 1000 Custer Hollow Road, Clarksburg, WV 26306

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RIN: 1110-AA26**1718. • EXPANDED USE OF NICS TO ALLOW ACCESS BY CRIMINAL JUSTICE AGENCIES TO CONDUCT BACKGROUND CHECKS PRIOR TO THE RETURN OF FIREARMS IN LAW ENFORCEMENT POSSESSION****Priority:** Other Significant**Legal Authority:** PL 103-159**CFR Citation:** 28 CFR 25.6**Legal Deadline:** None**Abstract:** Currently, access to the National Instant Criminal Background Check System (NICS) index for non-Brady Act reasons is limited to two purposes: 1) For the issuance of firearm-related or explosives-related permits or licenses and 2) to respond to Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) inquiries relating to the Gun Control Act or the National Firearms Act. This rule amends FBI regulations to authorize criminal justice agencies to access the NICS Index to conduct background checks for the purpose of returning firearms in the possession of

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a law enforcement or criminal justice agency, including returning a firearm to a family member in suicide cases.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

Agency Contact: Mary Kay Paugh, Program Analyst, EDAS Team, NICS Section, CJIS Division, Department of Justice, Federal Bureau of Investigation,

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RIN: 1110-AA27

Department of Justice (DOJ)

Final Rule Stage

Federal Bureau of Investigation (FBI)

1719. 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 110

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17027
NPRM Comment Period End	06/10/02	
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: The Criminal Division will issue a related regulation to implement the National Motor Vehicle Title Information System (NMVTIS). As required by statute, 49 U.S.C. section 30504(a), the regulation will direct junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the NMVTIS concerning vehicles in their possession. (See RIN 1105-AA71.) (RIN 1110-AA01 has been transferred from RIN 1105-AA44.)

Agency Contact: Buffy M. Bonafield, Criminal Info Coordination, Department of Justice, Federal Bureau of Investigation, Clarksburg, WV 26306
Phone: 304 625-2000
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RIN: 1110-AA01

1720. 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: 28 CFR 25

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

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

Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562

Action	Date	FR Cite
NPRM Comment Period End	04/19/99	
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 1105-AA56.

Agency Contact: Venetia A. King, Management Analyst, Department of Justice, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, WV 26306
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RIN: 1110-AA04

1721. IMPLEMENTATION OF THE PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2004

Priority: Other Significant

Legal Authority: 18 USC 534; PL 108-456, sec 6402

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, June 15, 2005, Statutorily required final rule within 180 days of enactment (enacted 12/17/2004).

Abstract: The Private Security Officer Employment Authorization Act of 2004, Public Law 108-458, section 6402(d)(2), (the Act) requires the Attorney General to issue rules to regulate the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping of the criminal history record information and related information; standards for qualifying an authorized employer; and the imposition of fees. This rule amends title 28 of the Code of Federal Regulations to implement the Act. The

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rule authorizes access to FBI-maintained justice information systems to authorize a fingerprint-based check of State and national criminal history records to screen prospective and current private security officers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/06	71 FR 1690
Interim Final Rule Comment Period End	03/13/06	
Interim Final Rule Effective	01/11/06	
Final Action	06/00/07	

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

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RIN: 1110-AA23

1722. CARRIAGE OF CONCEALED WEAPONS PURSUANT TO PUBLIC LAW 108-277, THE LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004

Priority: Other Significant**Legal Authority:** PL 108-277**CFR Citation:** 28 CFR 20**Legal Deadline:** None

Abstract: The Law Enforcement Officers Safety Act of 2004, Public Law 108-277 (the Act), exempts qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns. This rule implements the Act by amending 28 CFR 20.3 (b) to add “the issuing of identification documents to current and retired law enforcement officers pursuant to Public Law 108-277” to the definition of administration of criminal

justice. This change will authorize access to FBI-maintained criminal justice information systems to support performing criminal background checks on current and retired law enforcement officers seeking identification documents to carry a concealed firearm pursuant to Public Law 108-277.

Timetable:

Action	Date	FR Cite
NPRM	01/23/07	72 FR 2817
NPRM Comment Period End	03/26/07	
Final Action	07/00/07	

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

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RIN: 1110-AA24

1723. INCLUSION OF NONSERIOUS OFFENSE IDENTIFICATION RECORDS

Priority: Other Significant

Legal Authority: 28 USC 534; 42 USC 14614(c); 42 USC 14615; PL 92-544; PL 99-169; PL 99-569; PL 101-410

CFR Citation: 28 CFR 20**Legal Deadline:** None

Abstract: This rule amends FBI regulations defining the offenses that may serve as the basis for maintaining fingerprints and criminal history record information (CHRI) in its criminal history record information systems. The relevant FBI information systems include the Fingerprint Identification Record System (FIRS), which maintains fingerprints records, and the Interstate Identification Index (III) System, which maintains fingerprint-supported CHRI.

The amendment broadens the definition of includable offenses to

permit the retention of information relating to currently excluded non-serious offenses (NSOs) as well as information relating to “serious and/or significant adult or juvenile offenses.” The revised regulation will permit the retention and exchange of fingerprints and CHRI relating to NSOs when provided by the submitting jurisdiction for retention by the FBI. Such NSO information is currently maintained only at the State and local levels.

The change allows for the more uniform collection of CHRI at the Federal level. It establishes more uniform sharing of such information among the States by allowing States to make NSO information available for national criminal history record searches—for both criminal justice and non-criminal justice purposes—by submitting such information for retention by the FBI.

Timetable:

Action	Date	FR Cite
NPRM	09/05/06	71 FR 52302
NPRM Comment Period End	11/06/06	
Final Action	08/00/07	

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

Additional Information: This action (RIN 1110-AA25; FBI Docket No. 111) continues a portion of a rulemaking relating to criminal history record information for non-serious offenses (NSOs) that was previously reported under RIN 1110-AA20; FBI Docket No. 110.

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RIN: 1110-AA25

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

Long-Term Actions

1724. COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT: DEFINITIONS OF "REPLACED" AND "SIGNIFICANTLY UPGRADED OR OTHERWISE UNDERGONE MAJOR MODIFICATION"

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: 28 CFR 100

Timetable:

Action	Date	FR Cite
ANPRM	11/19/96	61 FR 58799
ANPRM Comment Period End	12/19/96	
NPRM	04/28/98	63 FR 23231
NPRM Comment Period End	06/29/98	
Supplemental NPRM Proposing Definitions	10/05/01	66 FR 50931
Supplemental NPRM Comment Period End	12/04/01	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Maura Quinn

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RIN: 1110-AA21

1725. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT—NOTICE OF ACTUAL AND MAXIMUM CAPACITY: PAGING, MSS, SMR, AND ESMR

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: 28 CFR 100

Timetable:

Action	Date	FR Cite
Notice of Inquiry (Cap Methodology)	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Maura Quinn

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RIN: 1110-AA22

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

Completed Actions

1726. FINAL NOTICE OF CAPACITY; SUPPLEMENT TO RESPOND TO REMAND

Priority: Substantive, Nonsignificant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Finalization of Supplement to Final Notice of Capacity Responding to Remand	12/15/06	71 FR 75581

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1110-AA10

Department of Justice (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1727. 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

Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1324(b); 15 USC 1177; 17 USC 509; 18 USC 981 to 983; 18 USC 1467; 18 USC 1955; 18 USC 1963; 18 USC 2253 to 2254; 18 USC 2513; 19 USC 1606 to 1608; 19 USC 1610; 19 USC 1612(b); 19 USC 1613; 19 USC

1618; 21 USC 822; 21 USC 853; 21 USC 871 to 872; 21 USC 880 to 881; 21 USC 958; 21 USC 965; 22 USC 401; 28 USC 509 to 510; 28 USC 524; PL 100-690, sec 6079

CFR Citation: 8 CFR 274; 21 CFR 1316; 28 CFR 8 (Revision); 28 CFR 9 (Revision)

Legal Deadline: Final, Statutory, August 23, 2000, CAFRA applies to all forfeiture actions commenced on or after 8/23/00.

Abstract: By this rule, the Department does five things.

First, the Department is implementing new forfeiture procedures required by

the Civil Asset Forfeiture Reform Act of 2000 (CAFRA). CAFRA's procedural changes enhance the ability of property owners to contest the forfeiture of seized property. CAFRA also makes other changes beneficial to property owners. In particular: 1) The requirement to file a bond for costs with a claim is eliminated; 2) the time for filing a claim is extended; and 3) the release of seized property is required under various circumstances. Congress made CAFRA's changes applicable to forfeiture proceedings commenced on or after August 23, 2000.

DOJ—LA

Proposed Rule Stage

Second, the Department is adding a provision allowing the pre-forfeiture disposition of seized property when the expense of holding the property is disproportionate to its value. This provision is needed to implement the pre-existing authority of 19 U.S.C. section 1612(b)—one of the customs laws' procedural statutes incorporated by reference in forfeiture statutes enforced by the Department. This provision will enable the Department to use the authority of section 1612(b) in appropriate cases to avoid disproportionately high storage and maintenance costs for seized property pending forfeiture.

Third, this rule consolidates previously existing forfeiture regulations of the DEA and the FBI in order to achieve greater consistency and promote overall fairness in the administrative forfeiture process by avoiding unnecessary differences in component procedures.

Fourth, the rule adds seizure-for-forfeiture authority for the FBI in 18 U.S.C. section 1594 cases (forfeiture of property involved in peonage and slavery (Pub. L. 106-386; 114 Stat. 1464 (October 28, 2000))).

Fifth, the rule modifies the regulations at 28 CFR part 9 governing petitions for remission or mitigation of forfeiture to refer only to DEA's "Forfeiture Counsel" as the pertinent official in DEA's forfeiture cases; to incorporate where applicable CAFRA's statutory criteria for innocent ownership; and to provide discretionary authority for the Ruling Officer to waive the payment of forfeiture-related costs and expenses, except payments of awards based on the forfeiture and payments of the recognized interests of other third parties in the property forfeited, as a condition of remission in cases in which the petitioner is a victim of the underlying offense. In addition, the discretionary authority to waive costs in remissions to owners and lienholders that is already provided at 28 CFR 9.7(a)(3) and 9.7(b)(2)(i) and (ii) is amended to incorporate the same exceptions as those applicable in remissions to victims.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1105-AA74

1728. PROCEDURES FOR SUSPENSION AND REMOVAL OF PANEL TRUSTEES AND STANDING TRUSTEES

Priority: Other Significant

Legal Authority: 28 USC 586(d)(2)

CFR Citation: 28 CFR 58

Legal Deadline: None

Abstract: The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") (Pub. L. No. 109-8) amended 28 U.S.C. 586(d)(2) to clarify that standing trustees and panel trustees who cease to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the District court after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. The Attorney General is directed to prescribe procedures to implement these changes. Pursuant to an order dated October 14, 2005, the Attorney General delegated his authority to promulgate rules necessary to implement the provisions of the BAPCPA that relate to the administration and supervision of bankruptcy cases by the United States Trustee Program to the Director of the Executive Office for United States Trustees. 28 CFR 58.6 currently sets forth the procedures for suspension and removal of panel trustees and standing trustees. The Executive Office for United States Trustees is amending these procedures to reflect the changes required by 28 U.S.C. 586(d)(2) under the authority delegated by the Attorney General in his October 14, 2005, order.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roberta A. DeAngells, General Counsel, Department of Justice, Executive Office for United States Trustees, Suite 8100, 20 Massachusetts Avenue NW, Washington, DC 20530
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RIN: 1105-AB12

1729. REVISION TO UNITED STATES MARSHALS SERVICE FEES FOR SERVICES

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515 to 519

CFR Citation: 28 CFR 0

Legal Deadline: None

Abstract: This rule increases the fee from \$45 per person per hour to \$50 per person per hour for process served or executed personally by a United States Marshals Service employee, agent, or contractor. This fee increase reflects the current costs to the United States Marshals Service for service of process in Federal court proceedings.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joe Lazar, Associate General Counsel, United States Marshals Service, Department of Justice, CS-3, 12th Floor, Washington, DC 20530
Phone: 202 307-9054

RIN: 1105-AB14

DOJ—LA

Proposed Rule Stage

1730. CONFORMING OVW GRANT PROGRAMS REGULATIONS TO STATUTORY CHANGES**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109–162**CFR Citation:** 28 CFR 90**Legal Deadline:** None

Abstract: The Office on Violence Against Women issued a Notice of Proposed Rulemaking in December 2003 relating to clarification of the match requirement under the STOP Formula Grant Program and the STOP Violence Against Indian Women Discretionary Grant Program. On January 5, 2006, President Bush signed the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005, Pub. L. 109-162). VAWA 2005 changed the match requirements governing these programs and made other changes to OVW grant programs. Because of this, the specific changes proposed in the prior Notice are no longer applicable. Changes to the match requirement due to VAWA 2005 will be included in this new rulemaking.

This rule proposes to amend the regulations for certain violence against women grant programs to comply with statutory changes. The STOP (Services-Training-Officers-Prosecutors) Violence Against Women Formula Grant Program and the STOP Violence Against Indian Women Discretionary Grant Program are codified at 42 U.S.C. 3796gg through 3796gg-5. The final rule for these programs, found at 28 CFR part 90, was promulgated on April 18, 1995. The Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program is codified at 42 U.S.C. 3796hh through 3796hh-4. The final rule for the program, found at 28 CFR part 90, subpart D, was promulgated on August 6, 1996. The Grants to Reduce Violent Crimes Against Women on Campus Program was authorized by title VIII, part E, section 826, of the Higher Education Amendments of 1998, Public Law No. 105-244, 112 Stat. 1581 (Oct. 7, 1998). VAWA 2005 reauthorized the program and removed it from the Higher Education Amendments. The final rule for the program, found at 28 CFR part 90, subpart E, was promulgated on July 22, 1999. This rule proposes to amend the regulations governing the STOP Violence Against Women Formula Grant Program, the STOP Violence Against Indian Women

Discretionary Grant Program, the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, and the Grants to Reduce Violent Crimes Against Women on Campus Program to comply with the amendments to these programs enacted by VAWA 2005. These proposed changes to the regulations simply incorporate statutory changes and make some minor technical corrections.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment	10/00/07	
Period End		

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

Additional Information: This rulemaking incorporated the action previously reported under RINs 1105-AB07 and 1121-AA67.

Agency Contact: Ms. Marnie Shiels, Department of Justice, Office on Violence Against Women, Washington, DC 20405

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RIN: 1105–AB15**1731. PROCEDURES FOR REVIEW OF DENIAL OF CLAIMS OF STANDING TRUSTEE FOR ACTUAL, NECESSARY EXPENSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 586(e)(4)**CFR Citation:** 28 CFR 58**Legal Deadline:** None

Abstract: This rule sets forth the procedures for the administrative review of denials of standing trustees' claims that certain expenses are actual, necessary for their administration of chapter 12 and 13 cases. Section 1231(b) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"), as codified at 28 U.S.C. 586(e)(3)(4) requires that: (1) Standing trustees exhaust all administrative remedies pertaining to denial of a claim of actual, necessary expenses before seeking judicial review of them; and (2) the Attorney General prescribe procedures for administrative review of such claim denials. This rule ensures that the process of administratively reviewing denials of

standing trustees' expense claims is fair and effective.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment	11/00/07	
Period End		

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

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RIN: 1105–AB16**1732. APPLICATION PROCEDURES AND CRITERIA FOR APPROVAL OF NONPROFIT BUDGET AND CREDIT COUNSELING AGENCIES AND APPROVAL OF PROVIDERS OF A PERSONAL FINANCIAL MANAGEMENT INSTRUCTIONAL COURSE BY U.S. TRUSTEES****Priority:** Other Significant**Legal Authority:** 11 USC 111**CFR Citation:** 28 CFR 58**Legal Deadline:** None

Abstract: This rule sets forth the application procedures to be used by United States Trustees for approval of nonprofit budget and credit counseling agencies and for approval of providers of a personal financial management instructional course under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"). Under the BAPCPA, individual debtors are required to consult with approved agencies to receive a briefing on the opportunities for credit counseling and a budget analysis, within 180 days before filing for bankruptcy relief, and to consult with approved providers of a personal financial management instructional course, after filing for relief, before receiving a discharge of their debts. The BAPCPA also sets forth procedures and standards for the United States Trustee to use in approving agencies and providers for subsequent inclusion on a publicly available agency list and provider list in each Federal judicial

DOJ—LA

Proposed Rule Stage

district where they are deemed qualified to counsel or instruct individuals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/06	71 FR 38076
Interim Final Rule Effective	07/05/06	
Interim Final Rule Comment Period End	09/05/06	
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1105-AB17

1733. REVISED INSPECTION OF RECORDS RELATING TO DEPICTION OF SEXUALLY EXPLICIT PERFORMANCES

Priority: Other Significant

Legal Authority: 18 USC 2257; PL 109-248

CFR Citation: 28 CFR 75

Legal Deadline: None

Abstract: In the Child Protection and Obscenity Enforcement Act of 1998, Public Law No. 100-690, as amended by the Child Protection Restoration and Penalties Enhancement Act of 1990, Public Law No. 101-647, and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-21, Congress set forth requirements at section 2257, title 18, United States Code, concerning recordkeeping requirements for producers of sexually explicit material. Section 2257 of title 18, United States Code, specifies steps that must be taken by persons who produce materials depicting sexually explicit conduct to determine the names and dates of birth of persons depicted in those materials, lists records that must be kept by persons producing those materials, and requires that notices as to the location of those records be affixed to those

materials. 28 CFR part 75 contains recordkeeping and inspection requirements implementing section 2257, title 18, United States Code. On May 24, 2005 (70 FR 29607), the Department published a final rule amending these requirements at 28 CFR part 75 to bring the regulations up to date and to make the inspection process effective for the purposes set by Congress in enacting section 2257.

This rule amends the recordkeeping and inspection requirements of 28 CFR part 75 to account for changes in the underlying statute, 18 U.S.C. section 2257, made by the Adam Walsh Child Protection and Safety Act of 2006.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Andrew Oosterbaan, Chief, Child Exploitation and Obscenity Section, Department of Justice, Suite 600, 1400 New York Avenue NW, Washington, DC 20530
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RIN: 1105-AB18

1734. IMPLEMENTATION OF SECTION 503 OF THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

Priority: Other Significant

Legal Authority: 18 USC 2257A

CFR Citation: 28 CFR 75

Legal Deadline: None

Abstract: This rule adds recordkeeping and inspection requirements to title 28 of the Code of Federal Regulations to implement 18 U.S.C. section 2257A. Section 2257A, enacted as section 503 of the Adam Walsh Child Protection and Safety Act of 2006, requires a producer of depictions of simulated sexually explicit conduct to maintain records of the identities and ages of performers in those depictions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 1105-AB19

1735. • PRODUCTION OF CERTAIN INFORMATION OR TESTIMONY BY STATE OR LOCAL LAW ENFORCEMENT OR PROSECUTIVE OFFICIALS SERVING ON A DEPARTMENT OF JUSTICE TASK FORCE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 5 USC 552(b)(g); 18 USC 4203(a)(1); 28 USC 509; 28 USC 510; 28 USC 534; 31 USC 3717; 31 USC 9701

CFR Citation: 28 CFR 16

Legal Deadline: None

Abstract: This rule amends Department of Justice regulations concerning agency management. The production of certain information or testimony by Department officials in response to subpoenas or demands of courts or other authorities is governed by 28 CFR 16.21 to 16.29, often referred to as the Department's Touhy regulations, see *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). The revision avoids any doubt that the Touhy regulations cover information acquired by a State or local law enforcement and prosecutive official while serving as a task force official on a Department of Justice task force.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW, Washington, DC 20530

DOJ—LA

Proposed Rule Stage

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RIN: 1105-AB21

1736. • DNA SAMPLE COLLECTION UNDER THE DNA FINGERPRINT ACT OF 2005 AND THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 28 USC 509; 28 USC 510; 42 USC 14132; 42 USC 14135a; 42 USC 14135b; 10 USC 1565; PL 106-546; PL 107-56; PL 108-405; PL 109-162; PL 109-248

CFR Citation: 28 CFR 28

Legal Deadline: None

Abstract: This rule implements amendments made by section 1004 of the DNA Fingerprint Act of 2005, Public Law 109-162, and section 155 of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, to section 3 of the DNA Analysis Backlog Elimination Act of 2000, Public Law 106-546. This rule directs agencies of the United States that arrest or detain individuals, or that supervise individuals facing charges, to collect DNA samples from certain individuals who are arrested, facing charges, or convicted, and from non-United States persons who are detained, under the authority of the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Room 4503, 950 Pennsylvania Avenue NW, Washington, DC 20530
 Phone: 202 514-3273

RIN: 1105-AB24

1737. • RESEARCH MISCONDUCT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 28 USC 510; 28 USC 590

CFR Citation: 28 CFR 82

Legal Deadline: None

Abstract: This rule implements the Department of Justice's (DOJ) "Federal Policy on Research Misconduct" by setting forth the definition of research misconduct, procedure for investigating allegations of research misconduct and recommending findings, and procedure for adjudicating and appealing such findings. This rule will ensure the integrity of research funded or supported by DOJ.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 1121-AA72

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RIN: 1105-AB25

1738. • DISCLOSURE OR PRODUCTION OF RECORDS OR INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 5 USC 552a

CFR Citation: 28 CFR 16

Legal Deadline: None

Abstract: This rule revises and updates the Department of Justice regulations implementing the Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act of 1974, 5 U.S.C. 552a.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1105-AB27

Department of Justice (DOJ)

Final Rule Stage

Legal Activities (LA)

1739. 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 reports of child pornography. The proposed rule previously published set forth the Attorney General's proposed designations and certain other matters

DOJ—LA

Final Rule Stage

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. As amended by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-21, the PCSPA also requires providers to report incidents of child pornography involving violations of section 2252B of title 18, United States Code, and incidents of violations of section 1466A, title 18, United States Code, and permits NCMEC to forward reports to State and local law enforcement agencies where appropriate. On November 4, 2003, an interim final rule was published designating four Federal law enforcement agencies that will receive reports pursuant to 42 U.S.C. 13032. These include the Federal Bureau of Investigation, the Bureau of Immigration and Customs Enforcement, the U.S. Postal Inspection Service, and the U.S. Secret Service.

In a related matter, RIN 1105-AB06, "Reporting Under the Protection of Children From Sexual Predators Act, as Amended," the Department is preparing a notice of proposed rulemaking to provide guidance to those law enforcement agencies and to the providers making the reports.

Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28422
NPRM Comment Period End	07/26/99	
Interim Final Rule	11/04/03	68 FR 62370
Interim Final Rule Effective	12/04/03	
Interim Final Rule Comment Period End	01/05/04	
Final Action	08/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 1105-AA65

1740. GUIDELINES FOR THE PROTECT ACT AMENDMENTS TO THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT

Priority: Info./Admin./Other

Legal Authority: 42 USC 14071; PL 108-21

CFR Citation: None

Legal Deadline: None

Abstract: Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law No. 103-322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071) contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the "Wetterling Act"). The Wetterling Act sets minimum national standards for State sex offender registration and community notification programs and directs the Attorney General to issue guidelines for such programs. The main set of current Wetterling Act guidelines was published on January 5, 1999, in the Federal Register (64 FR 572, with corrections at 64 FR 3590), and a supplementary set of guidelines for the Campus Sex Crimes Prevention Act amendment to the Wetterling Act was published on October 25, 2002, in the Federal Register (67 FR 65598). States that fail to comply with the Wetterling Act's requirements (as implemented and explained in the Attorney General's guidelines) are subject to a mandatory 10 percent reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, the Wetterling Act was amended by sections 604 and 605 of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, or PROTECT Act, Public Law 108-21, 117 Stat. 650, 688 (2003). These amendments provide that the means by

which a State provides information to the public concerning registered sex offenders must include an Internet site and add child pornography production and distribution offenses to the list of crimes against children for which registration is required under the Wetterling Act's standards. Supplementary guidelines are necessary to take account of the PROTECT Act amendments to the Wetterling Act.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	03/15/05	70 FR 12721
Proposed Guidelines Comment Period End	05/16/05	
Final Guidelines	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Room 4503, 950 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 514-3273

RIN: 1105-AB08

1741. DNA SAMPLE COLLECTION FROM FEDERAL OFFENDERS UNDER THE JUSTICE FOR ALL ACT OF 2004

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; PL 108-405

CFR Citation: 28 CFR 28

Legal Deadline: None

Abstract: The Department of Justice is publishing this rule to implement section 203(b) of Public Law 108-405, the Justice for All Act of 2004. The Justice for All Act of 2004 authorizes the Department of Justice to treat offenses in certain specified categories as qualifying Federal offenses for purposes of DNA sample collection. This rule amends regulations to reflect new categories of Federal offenses subject to DNA sample collection. The Justice for All Act amendment added "[a]ny felony" as a specified offense category in 42 U.S.C. 14135a(d)—thereby permitting the collection of DNA samples from all convicted Federal felons. This rule includes the new "any felony" category and does not change the coverage of misdemeanors in certain categories already included under prior law.

DOJ—LA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/05	70 FR 4763
Interim Final Rule Effective	01/31/05	
Interim Final Rule Comment Period End	04/01/05	
Final Action	11/00/07	

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

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Room 4503, 950 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 514-3273

RIN: 1105-AB09**1742. PRESERVATION OF BIOLOGICAL EVIDENCE UNDER 18 U.S.C. 3600A****Priority:** Other Significant**Legal Authority:** 18 USC 3600A**CFR Citation:** 28 CFR 28

Legal Deadline: Other, Statutory, April 28, 2005, Implementing regulations required within 180 days of enactment.

Abstract: The Department of Justice is publishing this rule to implement 18 U.S.C. 3600A. That statute requires the Federal Government to preserve biological evidence in Federal criminal cases in which defendants are under sentences of imprisonment, subject to certain limitations and exceptions. Subsection (e) of the statute requires the Attorney General to promulgate regulations to implement and enforce the statute. This rule adds a new subchapter C to 28 CFR part 28 to effect the required implementation and enforcement of 18 U.S.C. 3600A. The new provisions added by this rule explain and interpret the evidence preservation requirement of 18 U.S.C. 3600A, and include provisions concerning sanctions for violations of that requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/05	70 FR 21951
Interim Final Rule Comment Period End	06/27/05	
Final Action	11/00/07	

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

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Room 4503, 950 Pennsylvania Avenue NW, Washington, DC 20530
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RIN: 1105-AB10**1743. • APPLICABILITY OF THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT****Priority:** Other Significant**Legal Authority:** PL 109-248**CFR Citation:** 28 CFR 72**Legal Deadline:** None

Abstract: The Department of Justice is publishing this rule to specify that the requirements of the Sex Offender Registration and Notification Act, title I of Public Law 109-248, apply to sex offenders convicted of the offense for which registration is required before the enactment of that Act. These requirements include registration by a sex offender in each jurisdiction in which the sex offender resides, is an employee, or is a student. The Attorney General has the authority to make this specification pursuant to sections 112(b) and 113(d) of the Sex Offender Registration and Notification Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/07	72 FR 8894
Interim Final Rule Effective	02/28/07	
Interim Final Rule Comment Period End	04/30/07	
Final Action	01/00/08	

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

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RIN: 1105-AB22**1744. • STANDARDS FOR THE ADMINISTRATIVE COLLECTION OF CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3717(e)(1)**CFR Citation:** 31 CFR 901.9(f); 31 CFR 901.9(g)**Legal Deadline:** None

Abstract: The Federal Claims Collection Standards (FCCS) are issued jointly by the Secretary of the Treasury and the Attorney General. These regulations prescribe the standards for the administrative collection, compromise, termination of agency collection, and the referral to the Department of Justice for litigation of civil claims by the Federal Government for money or property.

This rule revises part 901 of the FCCS, which specifies the order in which a Federal agency is required to apply a partial or installment payment to the various components of a delinquent, non-tax debt owed to the United States.

The current rule states that payments are required to be applied first to the penalties, then to the administrative costs, then to interest, and last to principal. The revised rule will require the agencies to apply payments first to administrative costs that are paid out of amounts collected from the debtor (known as "contingency fees") when such costs are added to the debt, second to penalties, third to administrative costs other than contingency fees, fourth to interest, and last to principal.

Also the term "administrative charges" used in sections 901.9(f) and 901.9(g) is being replaced with "administrative costs" for consistency and clarity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/07	
Interim Final Rule Comment Period End	09/00/07	

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

Additional Information: The Department of Treasury Regulatory Identifier Number (RIN) for this rulemaking is 1510-AA91.

DOJ—LA

Final Rule Stage

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RIN: 1105-AB26

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

Long-Term Actions

**1745. ETHICAL STANDARDS FOR
ATTORNEYS FOR THE GOVERNMENT**

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 77

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule Comment Period End	06/21/99	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Barbara Kammerman
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RIN: 1105-AA67

**1746. NATIONAL MOTOR VEHICLE
TITLE INFORMATION SYSTEM
(NMVTIS) REPORTING REGULATIONS**

Priority: Other Significant. Major status
under 5 USC 801 is undetermined.

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Deborah Sorkin
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RIN: 1105-AA71

**1747. REPORTING UNDER THE
PROTECTION OF CHILDREN FROM
SEXUAL PREDATORS ACT AS
AMENDED**

Priority: Other Significant

CFR Citation: 28 CFR 81

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected: None

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RIN: 1105-AB06

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

Completed Actions

**1748. SUPPLEMENT TO JUSTICE
DEPARTMENT PROCEDURES AND
COUNCIL ON ENVIRONMENTAL
QUALITY REGULATIONS TO ENSURE
COMPLIANCE WITH THE NATIONAL
ENVIRONMENTAL POLICY ACT**

Priority: Other Significant

CFR Citation: 28 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	12/08/06	71 FR 71047
Final Action Effective	01/08/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joseph Band
Phone: 202 307-9456

RIN: 1105-AB13

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

Proposed Rule Stage

**1749. VICTIMS OF CRIME ACT (VOCA)
CRIME VICTIM COMPENSATION
PROGRAM REGULATIONS**

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is
undetermined.

Legal Authority: 42 USC 10602; 42
USC 10604

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Victims of Crime Act
(VOCA) Crime Victim Compensation

Program regulations 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.

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.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: State

DOJ—OJP

Proposed Rule Stage

Additional Information:

TRANSFERRED RIN: This rulemaking 1121-AA68 continues the rulemaking previously listed as “child” RIN 1121-AA66 under “parent” RIN 1121-AA61. This rulemaking has been transferred to RIN 1121-AA68 because the computer system used by the Regulatory Information Service Center (RISC) to compile the Unified Agenda no longer supports “parent” and “child” RINs. This rulemaking is not a new action. (For another VOCA-related rulemaking, see RIN 1121-AA69)

Agency Contact: Barbara Walker, Deputy Director, Office for Victims of Crime, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531
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RIN: 1121-AA68

1750. VICTIM OF CRIME ACT (VOCA) VICTIM ASSISTANCE PROGRAM

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 10603; 42 USC 10604

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: 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.

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.

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment	01/00/08	
Period End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information:

TRANSFERRED RIN: This rulemaking 1121-AA69 continues the rulemaking previously listed as “child” RIN 1121-AA65 under “parent” RIN 1121-AA61. This rulemaking has been transferred to RIN 1121-AA69 because the computer system used by the Regulatory Information Service Center (RISC) to compile the Unified Agenda no longer supports “parent” and “child” RINs. This rulemaking is not a new action. (For another VOCA-related rulemaking, see RIN 1121-AA68).

Agency Contact: Barbara Walker, Deputy Director, Office for Victims of Crime, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531
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RIN: 1121-AA69

1751. AIMEE’S LAW

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13713

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Office of Justice Programs (OJP) is implementing Aimee’s Law (Pub. L. No. 106-386, sec. 2001), which enables States to recover the costs of apprehending, convicting, and incarcerating individuals who commit certain heinous crimes, where those individuals previously were incarcerated for identical crimes in other States but granted early release. After consultation with relevant agencies and stakeholders, OJP will promulgate regulations that will assist in the effective implementation of the law, particularly relating to administration and data-collection.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment	12/00/07	
Period End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 1121-AA71

1752. • CERTIFICATION PROCESS FOR STATE CAPITAL COUNSEL SYSTEMS

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; PL 109-177

CFR Citation: 28 CFR 26

Legal Deadline: None

Abstract: The USA PATRIOT Improvement and Reauthorization Act of 2005 instructs the Attorney General to promulgate regulations to implement certification procedures for States seeking to qualify for the expedited Federal habeas corpus review procedures in capital cases under chapter 154 of title 28, United States Code. The benefits of chapter 154 are available to States that establish a mechanism for providing counsel to indigent capital defendants in State postconviction proceedings that satisfies certain statutory requirements. This rule carries out the Act’s requirement of issuing regulations for the certification procedure.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	
NPRM Comment	07/00/07	
Period End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1121-AA74

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 (BJA) 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	FR Cite
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	
Second Interim Final Rule	09/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

Agency Contact: Linda Hammond-Decker, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20053
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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	FR Cite
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	08/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 1121-AA52

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

Long-Term Actions

1755. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 23

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 1121-AA59

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

Completed Actions

1756. CORRECTIONAL FACILITIES ON TRIBAL LANDS GRANT PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 91

Completed:

Reason	Date	FR Cite
Final Action	01/18/07	72 FR 2186

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Tribal

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DOJ—OJP

Completed Actions

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RIN: 1121-AA41

1757. RESEARCH MISCONDUCT

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 82

Completed:

Reason	Date	FR Cite
Transferred to RIN 1105-AB25	03/01/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected:
Undetermined

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RIN: 1121-AA72

**1758. IMPLEMENTATION OF OMB
GUIDANCE ON NONPROCUREMENT
DEBARMENT AND SUSPENSION**

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 67; 28 CFR 83;
2 CFR 28

Completed:

Reason	Date	FR Cite
Direct Final Rule	03/13/07	72 FR 11285
Direct Final Rule Effective	05/14/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

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