



Federal Register

**Monday,
November 24, 2008**

Part VI

**Department of
Homeland Security**

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY (DHS)

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC-RP-04-001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department of Homeland Security (DHS) and its component agencies and divisions. This agenda provides the public with information about DHS's regulatory activity. DHS expects that this information will enable the public to be more aware of and effectively participate in the Department's regulatory activity. The public also is invited to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct all comments and inquiries on the agenda in general to the Regulatory Affairs Division, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulatory action.

SUPPLEMENTARY INFORMATION: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, "Regulatory Planning and Review" (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department. The regulatory agenda is a semiannual summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS' last semiannual regulatory agenda was published on May 5, 2008 at 73 FR 24700.

Beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda, in accordance with the

Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities. Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire regulatory plan will continue to be printed in the **Federal Register**, as in past years, including DHS's regulatory plan.

In September 2005, DHS joined the Environmental Protection Agency Federal Partner online electronic Federal Docket Management System (FDMS) located at www.regulations.gov; with the exception of the Coast Guard and TSA, who remained with the Department of Transportation's (DOT) electronic Docketing Management System. Effective October 1, 2007, the Coast Guard and TSA have fully migrated to FDMS, ensuring that all DHS regulatory actions subject to public comment are now available on www.regulations.gov.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: September 5, 2008.

Mary Kate Whalen,

Associate General Counsel for Regulatory Affairs.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
351	Revision of Department of Homeland Security Acquisition Regulation; Technical Amendments; HSAR Case 2008-0001 (Completion of a Section 610 Review)	1601-AA51

U.S. Citizenship and Immigration Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
352	Employment Based Immigrants—Elimination of Beneficiary Substitution on Approved Labor Certifications and Validity Period of Approved Labor Certifications	1615-AB34

DHS

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
353	Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697)	1625-AA03
354	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486) (Reg Plan Seq No. 54)	1625-AA32
355	Passenger and Inspected Vessel Stability Requirements (USCG-2007-0030) (Reg Plan Seq No. 56)	1625-AB20

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
356	Financial Responsibility for Water Pollution (Vessels) and Limits of Liability	1625-AA98

U.S. Customs and Border Protection—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
357	Importer Security Filing and Additional Carrier Requirements (Reg Plan Seq No. 58)	1651-AA70

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Transportation Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
358	Air Cargo Screening (Reg Plan Seq No. 71)	1652-AA64

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Transportation Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
359	Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)	1652-AA43

Transportation Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
360	Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License	1652-AA41

U.S. Immigration and Customs Enforcement—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
361	Electronic Signature and Storage of Form I-9, Employment Eligibility Verification	1653-AA47

DHS

U.S. Immigration and Customs Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
362	Safe-Harbor Procedures for Employers Who Receive a No-Match Letter; Clarification; Initial Regulatory Flexibility Analysis	1653-AA50

Federal Emergency Management Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
363	Update of FEMA's Public Assistance Regulations (Reg Plan Seq No. 75)	1660-AA51

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Federal Emergency Management Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
364	Assistance to Firefighters Grant Program	1660-AA50

Department of Homeland Security (DHS)
Office of the Secretary (OS)

Completed Actions

351. REVISION OF DEPARTMENT OF HOMELAND SECURITY ACQUISITION REGULATION; TECHNICAL AMENDMENTS; HSAR CASE 2008-0001 (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: Consolidated Appropriations Act 2008, PL 110-161, div E, title V, sec 568

Abstract: This document makes technical amendments to the Department of Homeland Security Acquisition Regulation (HSAR) to apply the Federal Acquisition Regulation

(FAR) system and the HSAR to the Transportation Security Administration (TSA). The HSAR previously exempted the TSA since it was authorized to use the Federal Aviation Administration's acquisition management system to acquire equipment, supplies, services, and materials. Other amendments include removal of provisions that have expired and a technical edit oversight.

Timetable:

Action	Date	FR Cite
Final Rule	05/27/08	73 FR 30317
Final Rule Effective	05/27/08	73 FR 30317

Regulatory Flexibility Analysis Required: No

Agency Contact: Kathy Strouss, Department of Homeland Security, Office of the Chief of Procurement, Washington, DC 20528
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RIN: 1601-AA51

Department of Homeland Security (DHS)
U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

352. EMPLOYMENT BASED IMMIGRANTS—ELIMINATION OF BENEFICIARY SUBSTITUTION ON APPROVED LABOR CERTIFICATIONS AND VALIDITY PERIOD OF APPROVED LABOR CERTIFICATIONS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; 8 USC 1182; ...

Abstract: DHS and the Department of Labor's Employment and Training Administration (DOL) are proposing

changes to reduce the incentives and opportunities for fraud and abuse related to the permanent employment of aliens in the United States. DHS is considering the elimination of the current practice of allowing the substitution of alien beneficiaries on permanent labor certifications, among other options. In addition, DHS is proposing to reduce further the likelihood of the submission of malafide Form I-140, Immigration Petition for Alien Worker, which are

employment-based petitions that are supported by fraudulent or stale labor certification applications for the permanent employment of aliens in the United States by proposing a 45-day period for employers to file approved permanent labor certifications in support of Form I-140 petitions with DHS after the issuance of an approved labor certification by DOL.

DHS—USCIS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
NPRM Comment Period End	12/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sophia Cox, Department of Homeland Security, U.S. Citizenship and Immigration Services,

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RIN: 1615-AB34

Department of Homeland Security (DHS)

Proposed Rule Stage

U.S. Coast Guard (USCG)

353. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (USCG-2004-17697)

Legal Authority: 33 USC 2713 and 2714

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. An interim rule was published in 1992, and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of this more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD

claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Market or Regulatory Failure Analysis: The Oil Pollution Act of 1990 (OPA 90), at 33 U.S.C. 2713(e), requires regulations for the presentation, filing, processing, settlement, and adjudication of claims for reimbursement of uncompensated oil removal costs and damages by the Oil Spill Liability Trust Fund. On August 12, 1992, the Coast Guard published an interim rule with request for comments, at 33 CFR part 136, entitled "Claims Under the Oil Pollution Act of 1990" (57 FR 36314). The provisions in this rulemaking would address public comment on the interim rule and assist claimants in their preparation of a complete OPA 90 claim. We believe that without this regulation there would be inadequate or asymmetric information available to OPA 90 claimants.

Timetable:

Action	Date	FR Cite
Interim Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Rule Comment Period End	12/10/92	
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203-1804

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Email: benjamin.h.white@uscg.mil

RIN: 1625-AA03

354. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG-2001-10486)

Regulatory Plan: This entry is Seq. No. 54 in part II of this issue of the **Federal Register**.

RIN: 1625-AA32

355. PASSENGER AND INSPECTED VESSEL STABILITY REQUIREMENTS (USCG-2007-0030)

Regulatory Plan: This entry is Seq. No. 56 in part II of this issue of the **Federal Register**.

RIN: 1625-AB20

Department of Homeland Security (DHS)

Completed Actions

U.S. Coast Guard (USCG)

356. FINANCIAL RESPONSIBILITY FOR WATER POLLUTION (VESSELS) AND LIMITS OF LIABILITY

Legal Authority: 33 USC 2704; 33 USC 2716

Abstract: This regulation would amend the "Financial Responsibility for Water Pollution (Vessels)" regulations to reflect the amended limits of liability resulting from enactment of the Coast Guard and Maritime Transportation Act of 2006. This regulation would support

the Coast Guard's strategic goal of protection of natural resources.

Market or Regulatory Failure Analysis: The Oil Pollution Act of 1990, at 33 U.S.C. 2716(a), requires regulations to implement the requirement for certain vessels to establish and maintain evidence of financial responsibility sufficient to meet or exceed the limits of liability found in 33 U.S.C. 2704(a) (as adjusted from time to time pursuant to 33 U.S.C. 2704(d)(4)). This

rulemaking adjusts the financial responsibility applicable amounts to coincide with amended limits of liability resulting from enactment of the Delaware River Protection Act of 2006, increases certificate of financial responsibility (COFR) fees to vessel responsible parties, and removes an antiquated documentation carriage requirement. Without this regulation, we do not expect responsible parties to internalize the costs associated with

DHS—USCG

Completed Actions

the amended statutory limits of liability.

Timetable:

Action	Date	FR Cite
NPRM	02/05/08	73 FR 6642
NPRM Comment Period End	05/05/08	

Action	Date	FR Cite
Final Rule	09/17/08	73 FR 53691
Final Rule Effective	10/17/08	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Benjamin White, Project Manager, National Pollution

Funds Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203-1804

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Email: benjamin.h.white@uscg.mil

RIN: 1625-AA98

**Department of Homeland Security (DHS)
U.S. Customs and Border Protection (USCBP)**

Final Rule Stage

**357. IMPORTER SECURITY FILING
AND ADDITIONAL CARRIER
REQUIREMENTS**

Regulatory Plan: This entry is Seq. No. 58 in part II of this issue of the **Federal Register**.

RIN: 1651-AA70

**Department of Homeland Security (DHS)
Transportation Security Administration (TSA)**

Final Rule Stage

358. AIR CARGO SCREENING

Regulatory Plan: This entry is Seq. No. 71 in part II of this issue of the **Federal Register**.

RIN: 1652-AA64

**Department of Homeland Security (DHS)
Transportation Security Administration (TSA)**

Long-Term Actions

**359. MODIFICATION OF THE
AVIATION SECURITY
INFRASTRUCTURE FEE (ASIF)
(MARKET SHARE)**

Legal Authority: 49 USC 44901; 49 USC 44940

Abstract: The Transportation Security Administration will revise the method for apportioning the Aviation Security Infrastructure Fee (ASIF) among air carriers. The ASIF is a fee imposed on air carriers and foreign air carriers to help pay the Government's costs of providing civil aviation security services.

Starting in fiscal year 2005, the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2001), codified at 49 U.S.C. 44940, authorizes TSA to change the methodology for imposing the ASIF on air carriers and foreign air carriers from a system based on their 2000 screening

costs to a system based on market share or other appropriate measures.

On November 5, 2003, the Transportation Security Administration (TSA) published a notice requesting comment on possible changes in order to allow for open industry and public input before beginning the formal rulemaking process for changing this fee.

TSA sought comments on issues regarding how to impose the ASIF, and whether, when, and how often the ASIF should be adjusted. The comment period was extended on the notice for an additional 30 days, until February 5, 2004. TSA is considering a market share methodology for implementation.

Timetable:

Action	Date	FR Cite
Notice; Requesting Comment—Imposition of the Aviation Security Infrastructure Fee (ASIF)	11/05/03	68 FR 62613
Notice—Imposition of ASIF; Comment Period End	01/05/04	
Notice—Imposition of ASIF; Comment Period Extended	12/31/03	68 FR 75611
Notice—Imposition of ASIF; Extended Comment Period End	02/05/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michael Gambone, Deputy Director, Office of Revenue, Department of Homeland Security, Transportation Security Administration,

DHS—TSA

Long-Term Actions

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RIN: 1652-AA43

Department of Homeland Security (DHS)

Completed Actions

Transportation Security Administration (TSA)

360. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC) IMPLEMENTATION IN THE MARITIME SECTOR; HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVER'S LICENSE

Legal Authority: 6 USC 469; 18 USC 842; 18 USC 845; 46 USC 70105; 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 44903; 49 USC 46105

Abstract: The Department of Homeland Security (DHS), through the Transportation Security Administration (TSA) and the United States Coast Guard (Coast Guard), issued a final rule on January 25, 2007, implementing provisions of the Maritime Transportation Security Act of 2002. The rule requires credentialed merchant mariners and workers with unescorted access to secure areas of vessels and facilities to undergo a security threat assessment and receive a biometric credential, known as a Transportation Worker Identification Credential (TWIC). After enrollment in a Captain of the Port Zone is complete, persons without TWICs will not be granted unescorted access to secure areas at affected maritime facilities or on vessels. The final rule enhances the security of ports by requiring security threat assessments of persons with unescorted access to secure areas.

In the final rule, TSA applies its security threat assessment standards that apply to commercial drivers authorized to transport hazardous materials to merchant mariners and workers who require unescorted access to secure areas on vessels and at maritime facilities. To minimize redundant background checks of workers, TSA amended the threat assessment standards to include a process by which TSA determines if a background check conducted by

another governmental agency is comparable to the standards in this rule. TSA expanded existing appeal and waiver provisions to apply to TWIC applicants and air cargo employees who undergo a security threat assessment. These modifications include a process for the review of adverse waiver decisions and certain disqualification cases by an administrative law judge. TSA also extends the time period in which applicants may apply for an appeal or waiver. The rule establishes the user fee and card replacement fee for the TWIC. The standard TWIC fee total is \$132.50, and is valid for five years. Workers with current, comparable background checks will pay a reduced fee of \$105.25. The cost of a replacement TWIC, if the original is lost, stolen, or damaged is \$60.

Timetable:

Action	Date	FR Cite
Notice—Information Collection; Prototype 60-Day New Collection	04/05/04	69 FR 17704
Notice—Information Collection; National Survey 60-Day New Collection	04/05/04	69 FR 17703
Notice—Information Collection; Prototype 30-Day New Collection	07/27/04	69 FR 44675
Notice—Information Collection; National Survey 30-Day New Collection	07/27/04	69 FR 44675
NPRM	05/22/06	71 FR 29396
NPRM; Comment Period End	07/06/06	
Notice—Public Meetings	05/26/06	71 FR 30352
Notice—Response to Letters From Congress	08/21/06	71 FR 48527

Action	Date	FR Cite
Final Rule; Request for Comments	01/25/07	72 FR 3492
Final Rule; Comment Period End For Card Replacement Fee	02/26/07	
Final Rule Effective	03/26/07	
Final Rule; Correction 1	02/07/07	72 FR 5632
Final Rule; TWIC Fees	03/20/07	72 FR 13026
Final Rule; Correction 2	03/26/07	72 FR 14049
Final Rule; OFR Editorial Correction to TSA Correction 2	03/30/07	72 FR 15195
Notice; TWIC Biometric Reader Specs and SmartCard Application	09/20/07	72 FR 53784
Final Rule; TWIC Amendment Fees and Non-resident Alien Applicants	09/28/07	72 FR 55043
Notice; TWIC Enrollment Date for Port of Wilmington, DE	10/09/07	72 FR 57342
Notice; TWIC Enrollment Date for the Port of Corpus Christi, TX	10/26/07	72 FR 60871
Notice; TWIC Enrollment Dates – Ports of Honolulu; Baton Rouge; Takoma; Beaumont; Oakland	11/06/07	72 FR 62667
Notice; Public Meeting on Reader Hardware and Card Application Specifications	11/08/07	72 FR 63106
Notice; TWIC Enrollment Dates—Ports of Houston; Providence; Chicago; Port Arthur; Savannah	11/13/07	72 FR 63919

DHS—TSA

Completed Actions

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
Notice: TWIC Enrollment Dates—Ports of Dundalk, MD; Minneapolis, MN; and St. Paul, MN	11/16/07	72 FR 64662	Notice: TWIC Enrollment Dates—Ports of Vicksburg, MS; Muskegon, MI; and Miami, FL	01/17/08	73 FR 3261	Notice: TWIC Enrollment Dates—Ports of Manatee, FL; Marcus Hook, PA; Rochester, NY; Greenville, MS	05/15/08	73 FR 28149
Notice: TWIC Enrollment Dates—Ports of Lake Charles, LA	11/19/07	72 FR 65054	Notice: TWIC Enrollment Dates—Ports of Louisville, KY; Ashtabula, OH; Everett, WA et al.	01/29/08	73 FR 5204	Notice: TWIC Enrollment Dates—Ports Paulsboro NJ; Paducah KY; Marquette, MI et al.	05/27/08	73 FR 30415
Notice: TWIC Enrollment Dates—Ports of Boston, MA; Charleston, SC; Cleveland, OH et al.	11/21/07	72 FR 65586	Notice: TWIC Enrollment Dates—Ports of Tampa, FL; Cincinnati, OH; Richmond, CA; S. Louisiana, LA	02/15/08	73 FR 8893	Notice: TWIC Enrollment Dates—Ports of New Haven, CT, Benicia, CA, Nikiski, AK, Chester, PA et al.	05/30/08	73 FR 31132
Notice: TWIC Enrollment Dates—Ports of Mobile, AL; Brunswick, GA; Milwaukee, WI; and Phila. PA	11/28/07	72 FR 67312	Notice: TWIC Enrollment Dates—Ports of Anacortes, WA and Norfolk, VA	02/20/08	73 FR 9347	Notice: TWIC Enrollment Dates—Ports of Little Rock, AR and Camden, NJ	06/17/08	73 FR 34307
Notice: Information Collection; 60-Day Renewal	12/03/07	72 FR 67945	Notice: TWIC Enrollment Dates—Ports of Marine City MI; St. Ignace MI; Palm Beach FL; St. Louis, MO	02/25/08	73 FR 10044	Notice: TWIC Enrollment Dates—Ports of Pasco, WA, Coram, NY and Sacramento, CA	06/20/08	73 FR 35148
Notice: TWIC Enrollment Dates—Ports of Long Beach, CA and Indiana Harbor, IN	12/03/07	72 FR 67945	Notice: Information Collection; 30-Day Renewal TWIC Program	02/25/08	73 FR 10043	Notice: TWIC Enrollment Dates—Ports of Bridgeport, CT; New Castle, DE; Burlington, VT et al.	06/23/08	73 FR 35406
Notice: TWIC Enrollment Dates—Ports of Tulsa, OK and Albany, NY	12/04/07	72 FR 68174	Notice: TWIC Enrollment Dates—Ports of Newport News, Panama City, San Diego, Gulfport, KeyWest et al	03/06/08	73 FR 12186	Notice: TWIC Enrollment Dates—Ports of Longview, WA and Vancouver, WA	06/26/08	73 FR 36344
Notice: TWIC Enrollment Dates—Ports of Seattle, WA; New York/New Jersey; Wilmington, NC et al.	12/10/07	72 FR 69698	TWIC Correcting Amendments	03/12/08	73 FR 13155	Notice: TWIC Enrollment Dates—Ports of Terminal Island, CA and Decatur, AL	06/30/08	73 FR 36888
Notice: TWIC Enrollment Dates—Port of Los Angeles/Long Beach, CA	12/13/07	72 FR 70877	Notice: TWIC Enrollment Dates for Port of Bangor, ME	03/12/08	73 FR 13244	Notice: TWIC Enrollment Dates—Ports of Lafayette, LA; Eureka, CA; Riverhead, NY et al.	07/03/08	73 FR 38239
Notice: TWIC Enrollment Dates—Ports of Peoria and Joliet, IL; Memphis, TN; and Buffalo, NY	12/14/07	72 FR 71143	Notice: TWIC Enrollment Dates—Ports of Ponce, PR and Laporte, TX	04/04/08	73 FR 18550	Notice: TWIC Enrollment Date—Port of American Samoa	08/13/08	73 FR 47204
Notice: TWIC Enrollment Dates—Ports of Hilo, HI; International Falls, MN; Ontonagon, MI et al.	12/26/07	72 FR 73040	Notice: TWIC Enrollment Dates—Ports of Portsmouth, NH; Chattanooga, TN; and San Juan, PR	04/11/08	73 FR 19859	Notice: TWIC Enrollment Date—Port of Guam	08/27/08	73 FR 50632
Notice: TWIC Enrollment Dates—Ports of Portland, OR; Victoria, TX; Kahului, Maui, HI et al.	01/03/08	73 FR 496	Notice: TWIC Enrollment Dates—Ports of Juneau, AK; Freeport, TX; Anchorage, AK and Sandusky, OH	04/18/08	73 FR 21149	Notice: TWIC Enrollment Date—Port of Salpan	09/03/08	73 FR 51501
Notice: TWIC Enrollment Dates—Ports of Bourne, MA; Green Bay, WI; Pittsburgh, PA et al.	01/11/08	73 FR 2058	Notice: TWIC Enrollment Dates—Ports of Houma, LA; Morgan City, LA; Calcite, MI; San Francisco, CA	04/25/08	73 FR 22429			
				05/06/08	73 FR 250215			

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Maurine Fanguy, TWIC Project Manager, Department of Homeland Security, Transportation Security Administration, Office of Threat Assessment & Credentialing, TSA-19, HQ, E8, 601 South 12th Street, Arlington, VA 22202-4220

DHS—TSA

Completed Actions

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RIN: 1652-AA41

Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

Long-Term Actions

**361. ELECTRONIC SIGNATURE AND
STORAGE OF FORM I-9,
EMPLOYMENT ELIGIBILITY
VERIFICATION**

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2

Abstract: This interim rule amends Department of Homeland Security (DHS) regulations to provide that employers and recruiters or referrers for a fee required to complete and retain Forms I-9, Employment Eligibility Verification, may sign and retain these forms electronically. This rule implements statutory changes to the

Form I-9 retention requirement that President George W. Bush signed into law on October 30, 2004. In implementing these changes, this rule sets standards for electronic signatures and the electronic retention of the Form I-9.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/06	71 FR 34510
Interim Final Rule Effective	06/15/06	

Action	Date	FR Cite
Interim Final Rule Comment Period End	08/14/06	
Next Action	Undetermined	
Regulatory Flexibility Analysis Required: Yes		
Agency Contact: Joe Jeronimo, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20024 Phone: 202 732-3978 RIN: 1653-AA47		

Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

Completed Actions

**362. SAFE-HARBOR PROCEDURES
FOR EMPLOYERS WHO RECEIVE A
NO-MATCH LETTER; CLARIFICATION;
INITIAL REGULATORY FLEXIBILITY
ANALYSIS**

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a

Abstract: This final supplemental rule will provide a "safe harbor" from liability under section 274A of the Immigration and Nationality Act for employers that follow certain procedures after receiving a notice—either a "no-match letter" from the Social Security Administration (SSA),

or a "notice of suspect document" from DHS—that casts doubt on the employment eligibility of their employees.

Timetable:

Action	Date	FR Cite
NPRM	06/14/06	71 FR 34281
NPRM Comment Period End	08/14/06	
Final Rule	08/15/07	72 FR 45611
Supplemental NPRM	03/26/08	73 FR 15944
Supplemental NPRM Comment Period End	04/25/08	

Action	Date	FR Cite
Supplemental Final Rule	10/28/08	73 FR 63843
Final Rule Effective	10/28/08	
Regulatory Flexibility Analysis Required: Yes		
Agency Contact: Joe Jeronimo, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20024 Phone: 202 732-3978 RIN: 1653-AA50		

Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

Proposed Rule Stage

**363. UPDATE OF FEMA'S PUBLIC
ASSISTANCE REGULATIONS**

Regulatory Plan: This entry is Seq. No. 75 in part II of this issue of the Federal Register.

RIN: 1660-AA51

Department of Homeland Security (DHS)

Long-Term Actions

Federal Emergency Management Agency (FEMA)

364. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Legal Authority: Federal Fire Prevention and Control Act of 1974 (15 USC 2229) as amended.

Abstract: To update existing guidance on grants made directly to fire departments and non-affiliated emergency medical service (EMS) organizations of a State for the purpose of enhancing their ability to protect the health and safety of the public as well as that of firefighting personnel facing

fire and fire-related hazards, and on grants made to eligible organizations and fire departments for fire prevention and firefighter safety research activities.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Brian Cowan, Director, Assistance to Firefighters

Program Office, Department of Homeland Security, Federal Emergency Management Agency, 5th floor Techworld Building, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA50

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