



Federal Register

**Monday,
November 24, 2008**

Part VIII

**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, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its fall 2008 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: For this edition of the Department of Justice’s regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified

Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

Beginning with the fall 2007 edition, the Internet has been 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), the Department of Justice’s printed agenda entries include only:

(1) Rules that are in the Agency’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; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

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 the Department of Justice’s regulatory plan.

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 regulatory 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). 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: September 24, 2008.

Elisebeth C. Cook,
Assistant Attorney General, Office of Legal Policy.

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
366	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (Section 610 Review) (Reg Plan Seq No. 81)	1190-AA44
367	Nondiscrimination on the Basis of Disability in State and Local Government Services (Section 610 Review) (Reg Plan Seq No. 82)	1190-AA46

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

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

Sequence Number	Title	Regulation Identifier Number
368	Commerce in Explosives (Including Explosives in the Fireworks Industry) (Completion of a Section 610 Review)	1140-AA01

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
369	Revised Inspection of Records Relating to Depiction of Sexually Explicit Performances	1105-AB18

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

Final Rule Stage

366. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)

Regulatory Plan: This entry is Seq. No. 81 in part II of this issue of the **Federal Register**.

RIN: 1190-AA44

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

Regulatory Plan: This entry is Seq. No. 82 in part II of this issue of the **Federal Register**.

RIN: 1190-AA46

Department of Justice (DOJ)
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Completed Actions

368. COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY) (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: 18 USC 847

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), in part, pursuant to the Regulatory Flexibility Act, which requires an agency to review within 10 years of publication, rules for which an agency prepared a final regulatory flexibility analysis addressing the impact of the rule on small businesses or other small entities. This rule amends the explosives regulations

relating to fireworks. In addition, this rule incorporates the provisions of an ATF Ruling 76-18, concerning alternate construction standards for storage facilities for explosive materials. This rule also addresses documentation requirements, various exemptions from the explosive regulations, and other amendments to the regulations that have been initiated by ATF or proposed by members of the explosives industry.

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	

Action	Date	FR Cite
NPRM Comment Period Reopened	06/23/03	68 FR 37109
NPRM Reopened Comment Period End	07/07/03	
Withdrawn	05/07/08	

Regulatory Flexibility Analysis Required: No

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 99 New York Avenue NE, Washington, DC 20226
Phone: 202 648-7094

RIN: 1140-AA01

Department of Justice (DOJ)
Legal Activities (LA)

Final Rule Stage

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

Legal Authority: 18 USC 2257; PL 109-248

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	07/12/07	72 FR 38033
NPRM Comment Period End	09/10/07	
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andrew Oosterbaan, Chief, Child Exploitation and Obscenity Section, Department of Justice, Suite 600, 1400 New York Avenue NW, Washington, DC 20530
Phone: 202 514-5780
Fax: 202 514-1793

RIN: 1105-AB18

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