



# Federal Register

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**Monday,  
May 5, 2008**

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**Part VI**

## **Department of Homeland Security**

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**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' 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 and Legislative 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. This is DHS' eighth semiannual regulatory agenda since the Department's inception in January 2003. DHS' last semiannual regulatory agenda was published on December 10, 2007, at 72 FR 7006.

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](http://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' 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' 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](http://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](http://www.regulations.gov).

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

Dated: March 27, 2008.

Mary Kate Whalen,

Deputy Associate General Counsel for Regulatory Affairs.

## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
187	Minimum Standards for Driver's Licenses and Identification Cards Acceptable to Federal Agencies for Official Purposes .....	1601-AA37

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

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

**DHS****U.S. Citizenship and Immigration Services—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
189	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements	1615-AA01

**U.S. Coast Guard—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
190	Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697) .....	1625-AA03
191	Increasing Passenger Weight Standard for Passenger Vessels (USCG-2005-22732) .....	1625-AB20

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

Sequence Number	Title	Regulation Identifier Number
192	Importer Security Filing and Additional Carrier Requirements .....	1651-AA70

**U.S. Customs and Border Protection—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
193	Letters and Documents; Advanced Electronic Presentation of Cargo Data .....	1651-AA55

**Transportation Security Administration—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
194	Certified Cargo Screening Program .....	1652-AA64

**Transportation Security Administration—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
195	Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License .....	1652-AA41
196	Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share) .....	1652-AA43

**U.S. Immigration and Customs Enforcement—Proposed Rule Stage**

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

## DHS

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

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

## Federal Emergency Management Agency—Long-Term Actions

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

**Department of Homeland Security (DHS)**  
**Office of the Secretary (OS)**
**Completed Actions**
**187. MINIMUM STANDARDS FOR DRIVER'S LICENSES AND IDENTIFICATION CARDS ACCEPTABLE TO FEDERAL AGENCIES FOR OFFICIAL PURPOSES**

**Legal Authority:** Division B—REAL ID Act of 2005; The Emergency Supplemental Appropriations Act for Defense; The Global War on Terror and Tsunami Relief, 2005; PL 109–13, 119 Stat 231, 302 (May 11, 2005) (codified at 49 USC 30301 note)

**Abstract:** The Department of Homeland Security is establishing minimum standards for State-issued driver's licenses and identification cards that Federal agencies would accept for

official purposes on or after May 11, 2008, in accordance with the REAL ID Act of 2005. This rule establishes standards to meet the minimum requirements of the REAL ID Act of 2005, including: Information and security features that must be incorporated into each card; application information to establish the identity and immigration status of an applicant before a card can be issued; and physical security standards for locations where driver's licenses and applicable identification cards are issued.

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/07	72 FR 10820
NPRM Comment Period End	05/08/07	
Final Action	01/29/08	73 FR 5272
Final Action Effective	03/31/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Darrell Williams, Director, REAL ID, Department of Homeland Security, Office of the Secretary, Washington, DC 20528  
Phone: 202 447–3836  
Email: darrell.williams@dhs.gov

**RIN:** 1601-AA37

**Department of Homeland Security (DHS)**  
**U.S. Citizenship and Immigration Services (USCIS)**
**Proposed Rule Stage**
**188. 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; 8 USC 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.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/08	
NPRM Comment Period End	09/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Kevin Cummings, Branch Chief, Business and Trade Services, Department of Homeland Security, U.S. Citizenship and Immigration Services, Second Floor, Office of Program and Regulations Development, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272–8412  
Email: kevin.cummings@dhs.gov

**RIN:** 1615-AB34

**Department of Homeland Security (DHS)**  
**U.S. Citizenship and Immigration Services (USCIS)**
**Completed Actions**
**189. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS**

**Legal Authority:** 8 USC 1324a; PL 104-208

**Abstract:** On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Section 412(d) clarifies the applicability of section 274A to the Federal Government. Section 610 of the Regulatory Flexibility Act requires Agencies to review rules that have a significant economic impact on a substantial

number of small entities every 10 years. The Department is conducting this review in conjunction with IIRIRA implementation.

**Timetable:**

Action	Date	FR Cite
NPRM (No. 1399 Comment Period End 12/23/93)	11/23/93	58 FR 61846
NPRM (No. 1339S Comment Period End 07/24/95)	06/22/95	60 FR 32472
Notice (No. 1713 Applications Due 01/29/96)	11/30/95	60 FR 61630
Appl. Extension Through 3/8/96; Notice Pilot Demonstration Program (No. 1713)	02/06/96	61 FR 4378
Final Rule (No. 1399E)	09/04/96	61 FR 46534

Action	Date	FR Cite
Interim Final Rule (No. 1818)	09/30/97	62 FR 51001
NPRM (No. 1890-97 Comment Period End 04/03/98)	02/02/98	63 FR 5287
Merged With RIN 1615-AB69	02/22/08	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Katherine Lotspeich, Chief, Verification Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 358-7771  
Email: katherine.lotspeich@dhs.gov

**RIN:** 1615-AA01

**Department of Homeland Security (DHS)**  
**U.S. Coast Guard (USCG)**
**Proposed Rule Stage**
**190. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (USCG-2004-17697)**

**Legal Authority:** 33 USC 2713 to 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	01/00/09	

**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  
Phone: 202 493-6863  
Email: benjamin.h.white@uscg.mil

**RIN:** 1625-AA03

**191. INCREASING PASSENGER WEIGHT STANDARD FOR PASSENGER VESSELS (USCG-2005-22732)**

**Legal Authority:** 33 USC 1321(j); 43 USC 1333; 46 USC 2103, 3205, 3306, 3307, 3703, 6101; 49 USC App 1804; EO 111735; EO 12234; Dept of Homeland Security Delegation No 0170.1

**Abstract:** The Coast Guard proposes developing a rule that addresses both the stability calculations and the environmental operating requirements for certain domestic passenger vessels. The proposed rule would address the outdated per-person weight averages that are currently used in stability calculations for certain domestic passenger vessels. In addition, the proposed rule would add environmental operating requirements for domestic passenger vessels that could be adversely affected by sudden inclement weather. This rulemaking would increase passenger safety by significantly reducing the risk of certain types of passenger vessels capsizing due to either passenger overloading or

## DHS—USCG

## Proposed Rule Stage

operating these vessels in hazardous weather conditions.

**Market or Regulatory Failure Analysis:** These regulations need to be updated to reflect current passenger weights. Standards are often set because owners and operators cannot internalize the benefits of appropriate safety standards. The commercial passenger vessel industry is not capable of voluntarily establishing uniform, nationwide standards for passenger weight. Failure

to update the standards to reflect accurate, current passenger weights places passenger vessels at greater risk of capsizing.

This NPRM would support the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** William Peters, Program Manager, Office of Design & Engineering Standards, Systems Engineering Division (CG-5212), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 372-1371  
Email: william.s.peters@uscg.mil

**RIN:** 1625-AB20

## Department of Homeland Security (DHS)

## Final Rule Stage

## U.S. Customs and Border Protection (USCBP)

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

**Legal Authority:** PL 109-347, sec 203; 5 USC 301; 19 USC 66, 1431, 1433, 1434, 1624, 2071 note; 46 USC 60105

**Abstract:** This rule would amend DHS regulations to provide that Customs and Border Protection (CBP) must receive, by way of a CBP-approved electronic data interchange system, additional information from carriers and importers pertaining to cargo before the cargo is brought into the United States by vessel. The information required is that which is reasonably necessary to enable

high-risk shipments to be identified so as to prevent smuggling and ensure cargo safety and security pursuant to the laws enforced and administered by CBP. The amendment is specifically intended to implement the provisions of section 203 of the Security and Accountability for Every Port Act of 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End	03/03/08	
NPRM Comment Period Extended	02/01/08	73 FR 6061

Action	Date	FR Cite
NPRM Comment Period End	03/18/08	
Final Action	09/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Richard DiNucci, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue, NW., Washington, DC 20229  
Phone: 202 344-2513  
Email: richard.dinuucci@dhs.gov

**RIN:** 1651-AA70

## Department of Homeland Security (DHS)

## Completed Actions

## U.S. Customs and Border Protection (USCBP)

**193. LETTERS AND DOCUMENTS; ADVANCED ELECTRONIC PRESENTATION OF CARGO DATA**

**Legal Authority:** 5 USC 301; 19 USC 1431; 19 USC 1436; 19 USC 2071 note;

**Abstract:** Pursuant to section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002, CBP requires that it receive electronically information pertaining to cargo before the cargo is

either brought into or sent from the United States by any mode of commercial transportation. This rule concerns letters and documents that are being transported by air transportation. The rule exempts from full manifesting requirements flat documents and letters not exceeding 16 ounces.

**Timetable:**

Action	Date	FR Cite
Withdrawn	04/22/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** David M. King, Program Officer, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1133

**RIN:** 1651-AA55

## Department of Homeland Security (DHS)

## Final Rule Stage

## Transportation Security Administration (TSA)

**194. • CERTIFIED CARGO SCREENING PROGRAM**

**Legal Authority:** PL 110-53, sec 1602; 49 USC 114; 49 USC 40113; 49 USC 44901 to 44905 ; 49 USC 44913 to

44914; 49 USC 44916; 49 USC 44935 to 44936; 49 USC 46105

**Abstract:** The Transportation Security Administration (TSA) will establish the Certified Cargo Screening Program that

will certify shippers, manufacturers, and other entities to screen air cargo intended for transport on a passenger aircraft. This will be the primary means through which TSA will meet the

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## Final Rule Stage

requirements of sec. 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 that mandates that 100 percent of air cargo transported on passenger aircraft, operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation, must be screened by August 2010, to ensure the security of all such passenger aircraft carrying cargo.

Under this rulemaking, each certified cargo screening facility (CCSF) and their employees and authorized representatives that will be screening cargo must successfully complete a security threat assessment. The CCSF must also submit to an audit of their

security measures by third party auditors, screen cargo using TSA-approved methods, and initiate strict chain of custody measures to ensure the security of the cargo throughout the supply chain prior to tendering it for transport on passenger aircraft.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/08	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Victor Parker, Branch Chief, Air Cargo Policy & Plans, Department of Homeland Security, Transportation Security Administration,

Office of Transportation Sector Network Management, TSA-28, HQ, 601 South 12th Street, Arlington, VA 22202  
Phone: 571 227-3664  
Email: victor.parker@dhs.gov

Alice Crowe, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA-2, HQ, E-12-309N, 601 South 12th Street, Arlington, VA 22202-4220  
Phone: 571 227-2652  
Fax: 571 227-1378  
Email: alice.crowe@dhs.gov

**RIN:** 1652-AA64

## Department of Homeland Security (DHS)

## Long-Term Actions

## Transportation Security Administration (TSA)

**195. 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

Action	Date	FR Cite
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
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

## DHS—TSA

## Long-Term Actions

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
Notice; TWIC Enrollment Date for Port of Wilmington, DE	10/09/07	72 FR 57342	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 Portsmouth, NH; Chattanooga, TN; and San Juan, PR	04/11/08	73 FR 19859
Notice: TWIC Enrollment Date for the Port of Corpus Christi, TX	10/26/07	72 FR 60871	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 Juneau, AK; Freeport, TX; Anchorage, AK and Sandusky, OH	04/18/08	73 FR 21149
Notice: TWIC Enrollment Dates—Ports of Honolulu; Baton Rouge; Takoma; Beaumont; Oakland	11/06/07	72 FR 62667	Notice: TWIC Enrollment Dates—Ports of Portland, OR; Victoria, TX; Kahului, Maui, HI et al	01/03/08	73 FR 496	Next Action Undetermined		
Notice: Public Meeting on Reader Hardware and Card Application Specifications	11/08/07	72 FR 63106	Notice: TWIC Enrollment Dates—Ports of Bourne, MA; Green Bay, WI; Pittsburgh, PA et al	01/11/08	73 FR 2058	<b>Regulatory Flexibility Analysis Required:</b> Yes		
Notice: TWIC Enrollment Dates—Ports of Houston; Providence; Chicago; Port Arthur; Savannah	11/13/07	72 FR 63919	Notice: TWIC Enrollment Dates—Ports of Vicksburg, MS; Muskegon, MI; and Miami, FL	01/17/08	73 FR 3261	<b>Agency Contact:</b> 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 Phone: 571 227–3741 Email: maurine.fanguy@dhs.gov		
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 Louisville, KY; Ashtabula, OH; Everett, WA et al	01/29/08	73 FR 5204	Christine Beyer, Assistant Chief Counsel, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220 Phone: 571 227–2657 Email: christine.beyer@dhs.gov		
Notice: TWIC Enrollment Dates—Ports of Lake Charles, LA	11/19/07	72 FR 65054	Notice: TWIC Enrollment Dates—Ports of Tampa, FL; Cincinnati, OH; Richmond, CA; S. Louisiana, LA	02/15/08	73 FR 8893	<b>RIN:</b> 1652–AA41		
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 Anacortes, WA and Norfolk, VA	02/20/08	73 FR 9347			
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 Marine City MI; St. Ignace MI; Palm Beach FL; St. Louis, MO	02/25/08	73 FR 10044	<b>196. MODIFICATION OF THE AVIATION SECURITY INFRASTRUCTURE FEE (ASIF) (MARKET SHARE)</b>		
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	<b>Legal Authority:</b> 49 USC 44901; 49 USC 44940		
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, Key West et al	03/06/08	73 FR 12186	<b>Abstract:</b> This rulemaking will seek comment on a proposed revision to 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.		
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	Starting in fiscal year 2005, the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), 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.		
Notice: TWIC Enrollment Dates—Port of Los Angeles/Long Beach, CA	12/13/07	72 FR 70877	Notice: TWIC Enrollment Dates—Ports of Ponce, PR and Laporte, TX	04/04/08	73 FR 18550			



## DHS—TSA

## Long-Term Actions

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

Action	Date	FR Cite
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, Office of Finance & Administration, TSA-14, HQ, W12-319, 601 South 12th Street, Arlington, VA 22202-4220  
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**RIN:** 1652-AA43

## Department of Homeland Security (DHS)

## Proposed Rule Stage

## U.S. Immigration and Customs Enforcement (USICE)

**197. 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:** The Department of Homeland Security (DHS) is proposing to amend its regulations that provide a “safe harbor” from liability under section 274A of the Immigration and Nationality Act for employers who follow certain procedures after receiving a notice from the Social Security Administration (SSA) — called a “no-match letter” — or from DHS — called a “notice of suspect document” — that casts doubt on the employment eligibility of their employees. The prior

final rule was published on August 15, 2007 (the August 2007 Final Rule).

Implementation of that rule was preliminarily enjoined by the United States District Court for the Northern District of California on October 10, 2007. The district court based its preliminary injunction on three findings. This supplemental proposed rule clarifies certain aspects of the August 2007 Final Rule and responds to the three findings underlying the district court’s injunction.

**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

Action	Date	FR Cite
Supplemental NPRM	03/26/08	73 FR 15944
Supplemental NPRM Comment Period End	04/25/08	
Second NPRM	05/00/08	
Final Action	10/00/08	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Ms. Marissa Hernandez, National Program Manager, Worksite Enforcement, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Office of Investigations, 425 I Street NW., Washington, DC 20536  
Phone: 202 307-0071

**RIN:** 1653-AA50

## Department of Homeland Security (DHS)

## Long-Term Actions

## U.S. Immigration and Customs Enforcement (USICE)

**198. 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

## DHS—USICE

## Long-Term Actions

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	08/14/06	
Comment Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 1653-AA47

## Department of Homeland Security (DHS)

## Long-Term Actions

## Federal Emergency Management Agency (FEMA)

**199. 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

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**RIN:** 1660-AA50

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