

listed in this document will be published subsequently in the Order.

### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace for the Horseshoe Bay, TX area. Decommissioning of the Horseshoe Bay Resort NDB and cancellation of the NDB approach at Horseshoe Bay Resort Airport has made this action necessary for the safety and management of IFR operations at the airport. This action also reflects the name change of the airport from Horseshoe Bay Airpark to Horseshoe Bay Resort Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Horseshoe Bay Resort Airport, Horseshoe Bay, TX.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface.*

\* \* \* \* \*

#### ASW TX E5 Austin, Horseshoe Bay Resort Airport, TX [Amended]

Horseshoe Bay Resort Airport, TX  
(Lat. 30°31’37” N., long. 98°21’32” W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Horseshoe Bay Resort Airport.

Issued in Fort Worth, Texas, on December 21, 2010.

**Roger M. Trevino,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2011–205 Filed 1–10–11; 8:45 am]

**BILLING CODE 4910–13–P**

### SECURITIES AND EXCHANGE COMMISSION

#### 17 CFR Part 232

[Release Nos. 33–9169; 34–63646, 39–2473, IC–29547]

#### Adoption of Updated EDGAR Filer Manual

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (the Commission) is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) Filer Manual to reflect updates to the EDGAR system. The revisions are being made primarily to implement the new EDGARLink Online Application which will allow filers to submit EDGARLink submission form types online without the use of the offline EDGARLink Tool, to support the electronic filing of submission form

types ABS 15G, ABS 15G/A, a new Form 8–K Item 6.10, and to support minor changes in XBRL validations for filings containing Exhibit 101 attachments. The EDGAR system is scheduled to be upgraded to support this functionality on December 13, 2010.

The filer manual is also being revised to address changes previously made in EDGAR to support the electronic filing of new submission form types SC 14N, SC 14N/A, SC 14N–S, SC 14N–S/A, and the new Form 8–K Item 5.08.

The revisions to the Filer Manual reflect changes within Volume I entitled EDGAR Filer Manual, Volume I: “General Information,” Version 9 (December 2010) and Volume II entitled EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 16 (December 2010). The updated manual will be incorporated by reference into the Code of Federal Regulations.

**DATES:** January 11, 2011. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of January 11, 2011.

**FOR FURTHER INFORMATION CONTACT:** In the Division of Corporation Finance, for questions concerning submission form types ABS 15G, ABS 15G/A, SC 14N, SC 14N/A, SC 14N–S, SC 14N–S/A, Form 8–K Item 5.08 and Item 6.10 contact Cecile Peters, Chief, Office of Information Technology, at (202) 551–3600; in the Office of Interactive Disclosure for questions concerning XBRL validation requirements contact Jeffrey Naumann, Assistant Director of the Office of Interactive Disclosure, at (202) 551–5352; and in the Office of Information Technology, contact Rick Heroux, at (202) 551–8800.

**SUPPLEMENTARY INFORMATION:** We are adopting an updated EDGAR Filer Manual, Volume I and Volume II. The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the EDGAR system.<sup>1</sup> It also describes the requirements for filing using EDGARLink<sup>2</sup>, EDGARLink Online, and the Online Forms/XML Web site.

The Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order

<sup>1</sup> We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33–6986 (April 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on September 15, 2010. See Release No. 33–9140 (September 9, 2010) [75 FR 55965].

<sup>2</sup> This is the filer assistance software we provide filers filing on the EDGAR system.

to assure the timely acceptance and processing of filings made in electronic format.<sup>3</sup> Filers may consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.<sup>4</sup>

The EDGAR system will be upgraded to Release 10.4 on December 13, 2010 and will introduce a new EDGARLink Online Application (EDGARLink Online) to allow filers to submit EDGARLink submission form types online, without the use of the offline EDGARLink Tool. EDGARLink Online can be accessed from the EDGAR Filing Web site (<https://www.edgarfiling.sec.gov>), by selecting the “EDGARLink Online Submissions” or by clicking the “Are you an EDGARLink filer or would you like to create a new Asset-Backed Securities Issuing Entity?” link from the EDGAR Portal Web site (<http://www.portal.edgarfiling.sec.gov>). The existing offline EDGARLink Tool and the associated Templates 1–6 will continue to be available. A new chapter, “Preparing and Transmitting EDGARLink Online Submissions”, has been added to Volume II of the EDGAR Filer Manual to guide filers through the filing process using the new tool.

Submission type ABS 15G<sup>5</sup> and its amendment will be available on EDGARLink Online only.

A new 8–K Item 6.10 (Alternative Filings of Asset-Backed Issuers) will be available on EDGARLink Submission Template #3 and EDGARLink Online for submission form types 8–K and 8–K/A. Item 6.10 requires a PDF attachment to be included as Exhibit 99.

In addition, the validation rules processed for filings containing EX–101.INS XBRL documents will be changed to remove restrictions to allow domain items to be abstract and to allow footnoteArc elements to omit the order attribute. The validations were relaxed for EX–101.INS XBRL documents to allow a Discoverable Taxonomy Set (DTS) that has type declarations in any standard international or US namespace, to allow internationally recommended type and role declarations to be used in its DTS, and for documents whose DTS has arc role declarations to allow the

link:footnoteArc element to have an arcrole that is either standard or is declared in a standard taxonomy schema. Additional validations were added for EX–101.INS XBRL documents to require a DTS that has type declarations in any standard international or US namespace to enforce restrictions on combinations of numeric data types and unit of measure declarations according to internationally recommended and US-specific data types registry.

The filer manual is also being revised to address a changes made previously in EDGAR to support new submission form types SC 14N, SC 14N–S and their amendments on both the offline EDGARLink Template #2 and EDGARLink Online and a new item in Form 8–K Item 5.08 (Shareholder Director Nominations) on both the offline EDGARLink Template #3 and EDGARLink Online for submission form types 8–K, 8–K12B, 8–K12G3, 8–K15D5 and their amendments. However, the use of the SC 14N, SC 14N–S and Form 8–K Item 5.08 is delayed until further notice. See Order Rel. No. 33–9149 (Order Granting Stay) and Rel. No. 33–9151 (Notice of stay of effective and compliance dates) for more information.

Along with adoption of the Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of today’s revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street, NE., Room 1543, Washington DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. We will post electronic format copies on the Commission’s Web site; the address for the Filer Manual is <http://www.sec.gov/info/edgar.shtml>.

Since the Filer Manual relates solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA).<sup>6</sup> It follows that the requirements of the Regulatory Flexibility Act<sup>7</sup> do not apply.

The effective date for the updated Filer Manual and the rule amendments is January 11, 2011. In accordance with the APA,<sup>8</sup> we find that there is good cause to establish an effective date less than 30 days after publication of these

rules. The EDGAR system upgrade to Release 10.4 is scheduled to become available on December 13, 2010. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the system upgrade.

### Statutory Basis

We are adopting the amendments to Regulation S–T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,<sup>9</sup> Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,<sup>10</sup> Section 319 of the Trust Indenture Act of 1939,<sup>11</sup> and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.<sup>12</sup>

### List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

### Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

### PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for part 232 continues to read in part as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.*; and 18 U.S.C. 1350.

\* \* \* \* \*

■ 2. Section 232.301 is revised to read as follows:

#### § 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: “General Information,” Version 9 (December 2010). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 16 (December

<sup>9</sup> 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

<sup>10</sup> 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78w, and 78ll.

<sup>11</sup> 15 U.S.C. 77sss.

<sup>12</sup> 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

<sup>3</sup> See Rule 301 of Regulation S–T (17 CFR 232.301).

<sup>4</sup> See Release No. 33–9140 (September 9, 2010) [75 FR 55965] in which we implemented EDGAR Release 10.3. For a additional history of Filer Manual rules, please see the cites therein.

<sup>5</sup> See Proposing Release No. 33–9148, Disclosure for Asset-Backed Securities Required by Section 943 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

<sup>6</sup> 5 U.S.C. 553(b).

<sup>7</sup> 5 U.S.C. 601–612.

<sup>8</sup> 5 U.S.C. 553(d)(3).

2010). Additional provisions applicable to Form N-SAR filers are set forth in the EDGAR Filer Manual, Volume III: "N-SAR Supplement," Version 1 (September 2005). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street, NE., Room 1543, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Electronic copies are available on the Commission's Web site. The address for the Filer Manual is <http://www.sec.gov/info/edgar.shtml>. You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

By the Commission.

Dated: January 5, 2011.

**Elizabeth M. Murphy**,  
Secretary.

[FR Doc. 2011-378 Filed 1-10-11; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Bureau of Prisons

#### 28 CFR Part 570

[BOP Docket No. 1144-F]

RIN 1120-AB44

#### Inmate Furloughs

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Bureau of Prisons (Bureau) revises its federal regulations on the inmate furlough program primarily to more clearly provide for and define transfer furloughs. Also, under this rule, the Bureau is expanding the authority of its Wardens to consider all inmates potentially eligible for non-transfer furloughs, as opposed to the current rule, which limits consideration to inmates with community custody status.

**DATES:** This rule is effective on February 10, 2011.

**FOR FURTHER INFORMATION CONTACT:** Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307-2105.

**SUPPLEMENTARY INFORMATION:** The Bureau revises its federal regulations on the inmate furlough program primarily to more clearly provide for and define transfer furloughs. Through this change, we also seek to reorganize and clarify the rules, while eliminating language that constitutes agency guidance to staff. Any such guidance language will be retained in the relevant Bureau policy. Also, under this rule, the Bureau is expanding the authority of its Wardens to consider all inmates potentially eligible for non-transfer furloughs, as opposed to the current rule, which limits consideration to inmates with community custody status.

A proposed rule on this subject was published on December 6, 2006 (71 FR 70696). We received three comments, which we respond to below.

#### **Payment for Urinalysis, Breathalyzer, and Other Comparable Tests Upon Return From Furlough**

Section 570.38(b)(4) of the proposed rule stated that a furlough will only be approved if an inmate agrees to certain conditions, including the condition that the inmate may "be thoroughly searched and given a urinalysis, breathalyzer, and other comparable test, during the furlough or upon return to the institution, and must prepay the cost of such test(s) if the inmate or family members are paying the other costs of the furlough." Further, this regulation provides that the inmate "must pre-authorize all testing fee(s) to be withdrawn directly from his/her inmate deposit fund account."

One commenter questioned the payment process described in § 570.38. The commenter suggested that the inmate should pay for all potential testing before he/she be "allowed to leave." This is not practical. Depending on Bureau resources, the inmate's particular situation, and the particular circumstances surrounding the furlough, it is possible that the inmate will not undergo all of the available testing upon the inmate's return from furlough. It is therefore unnecessary and impractical to require an inmate to pre-pay the costs of tests that he/she may not be required to undergo.

The commenter then suggested that "charging an inmate that is on an emergency non-transferral furlough is not reasonable before they be allowed to leave. Postponing their payment until they return seems to be more reasonable." The Bureau agrees with this statement, which is why the regulation

requires not that inmates pre-pay, but only that the inmate sign a form pre-authorizing payment for testing that will be conducted upon the inmate's return.

For clarity, we have modified that part of the regulation to state that the inmate "must pre-authorize the cost of such test(s) if the inmate or family members are paying the other costs of the furlough."

#### **Conditions Under Which a Furlough May Be Granted**

One commenter stated that the rule "does not make clear that inmates in Low, Medium, or High security institutions are categorically ineligible for emergency or other non-transfer furloughs."

However, according to the regulation as proposed, "inmates in Low, Medium, or High security institutions" are not "categorically ineligible for emergency or other non-transfer furloughs," but instead will be considered on a case-by-case basis, in accordance with these regulations and in the Warden's discretion.

§ 570.36 specifies the conditions under which a non-transfer furlough may be granted. This section contains a chart which clarifies the eligibility requirements for non-transfer furloughs and describes the types of non-transfer furloughs an inmate may be eligible for, based on the inmate's length of confinement or time remaining on the inmate's sentence. The chart has been revised in the final rule for greater clarity and accuracy. This section also describes circumstances under which Wardens will ordinarily deny non-transfer furloughs.

Under this rule, the Bureau is expanding the authority of its Wardens to consider all inmates potentially eligible for non-transfer furloughs, as opposed to the current rule, which limits consideration to inmates with community custody status. Community custody, the lowest custody level assigned to an inmate, affords the lowest level of security and staff supervision. The Bureau believes this change is justified by the potential prisoner re-entry and rehabilitative benefits to be afforded by a non-transfer furlough. Further, any resulting public safety concerns are adequately addressed by the limitations contained within §§ 570.35(b) and 570.36.

Further, § 570.31 describes inmate eligibility for furloughs, and states that sentenced inmates housed in Bureau facilities, pretrial inmates housed in Bureau facilities, and sentenced inmates housed in Bureau facilities and classified as central inmate monitoring cases may be eligible for furloughs.