



# Federal Register

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**Monday,  
April 26, 2010**

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**Part VIII**

**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, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. 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. DHS invites the public to submit comments on any aspect of this agenda.

**FOR FURTHER INFORMATION CONTACT:**

*General*

Please direct general comments and inquiries on the agenda to the

Regulatory Affairs Law 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 regulation.

**SUPPLEMENTARY INFORMATION:**

DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order 12866, "Regulatory Planning and Review" (September 30, 1993), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a 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 December 7, 2009, at 74 FR 64448.

Beginning in the fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The

complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov).

The Regulatory Flexibility Act (5 U.S.C. 602) requires federal agencies to publish their regulatory flexibility agenda in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, "a brief description of the subject area of any rule . . . which is likely to have a significant economic impact on a substantial number of small entities." DHS' printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

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

**Dated:** February 26, 2010.

**Christina E. McDonald,**

*Deputy Associate General Counsel for Regulatory Affairs.*

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

Sequence Number	Title	Regulation Identifier Number
185	Registration Requirements for Petitioners Seeking to File H-1B Petitions on Behalf of Aliens Subject To Numerical Limitations .....	1615-AB71
186	U. S. Citizenship and Immigration Services Fee Schedule .....	1615-AB80

**U.S. Citizenship and Immigration Services—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
187	Commonwealth of the Northern Mariana Islands Transitional Nonimmigrant Investor Classification .....	1615-AB75

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

Sequence Number	Title	Regulation Identifier Number
188	Numbering of Undocumented Barges (USCG-1998-3798) .....	1625-AA14
189	Commercial Fishing Industry Vessels (USCG-2003-16158) .....	1625-AA77
190	Inspection of Towing Vessels (USCG-2006-24412) .....	1625-AB06

## DHS

## U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
191	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486) .....	1625-AA32
192	Passenger Weight and Inspected Vessel Stability Requirements (USCG-2007-0030) .....	1625-AB20

## U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
193	Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697) .....	1625-AA03
194	Great Lakes Pilotage Rates—2010 Annual Review and Adjustment ( <b>Section 610 Review</b> ) .....	1625-AB39

## U.S. Customs and Border Protection—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
195	Transportation of Certain Merchandise and Equipment Between Coastwise Points .....	1651-AA84

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

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

## Transportation Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
197	Aircraft Repair Station Security .....	1652-AA38

## Transportation Security Administration—Long-Term Actions

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

## Federal Emergency Management Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
199	Update of FEMA's Public Assistance Regulations .....	1660-AA51

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

**Proposed Rule Stage**

**185. REGISTRATION REQUIREMENTS FOR PETITIONERS SEEKING TO FILE H-1B PETITIONS ON BEHALF OF ALIENS SUBJECT TO NUMERICAL LIMITATIONS**

**Legal Authority:** 8 USC 1184(g)

**Abstract:** The Department of Homeland Security is proposing to amend its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes an electronic registration program for petitions subject to numerical limitations contained in the Immigration and Nationality Act (the Act). Initially, the program would be for the H-1B nonimmigrant classification; however, other nonimmigrant classifications will be added as needed. This action is necessary because the demand for H-1B specialty occupation workers by U.S. companies generally exceeds the numerical limitation. This rule is intended to allow USCIS to more efficiently manage the intake and lottery process for these H-1B petitions.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Claudia F. Young, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-8163  
Email: cf1young@dhs.gov

**RIN:** 1615-AB71

**186. U. S. CITIZENSHIP AND IMMIGRATION SERVICES FEE SCHEDULE**

**Legal Authority:** 8 USC 1356(m)

**Abstract:** This rule will adjust the fee schedule for U.S. Citizenship and Immigration Services (USCIS) immigration and naturalization benefit applications and petitions, including nonimmigrant applications and visa petitions. These fees fund the cost of processing applications and petitions for immigration benefits and services, and USCIS' associated operating costs. USCIS is revising these fees because the current fee schedule does not adequately recover the full costs of services provided by USCIS. Without an adjustment of the fee schedule, USCIS cannot provide adequate capacity to process all applications and petitions in a timely and efficient manner. The fee review is undertaken pursuant to the requirements of the

Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901-03. The CFO Act requires each agency's chief financial officer (CFO) to "review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value." Id. at 902(a)(8). This rule will reflect recommendations made by the DHS CFO and USCIS CFO, as required under the CFO Act.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/10	
NPRM Comment Period End	08/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Rendell Jones, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Suite 4018, 20 Massachusetts Avenue NW., Washington, DC 20259  
Phone: 202 272-1969  
Fax: 202 272-1970  
Email: rendell.jones@dhs.gov

**RIN:** 1615-AB80

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

**Final Rule Stage**

**187. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TRANSITIONAL NONIMMIGRANT INVESTOR CLASSIFICATION**

**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a

**Abstract:** On May 8, 2008, Public Law 110-229, Commonwealth Natural Resources Act, established a transitional period for the application of the Immigration and Nationality Act (INA) to the Commonwealth of the Northern Mariana Islands (CNMI). Although the CNMI is subject to most U.S. laws, the CNMI has administered its own immigration system under the terms of its 1976 covenant with the

United States. The Department of Homeland Security is proposing to amend its regulations by creating a new E2 CNMI Investor classification for the duration of the transition period. These temporary provisions are necessary to reduce the potential harm to the CNMI economy before these foreign workers and investors are required to convert into U.S. immigrant or nonimmigrant visa classifications.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/09	74 FR 46938
NPRM Comment Period End	10/14/09	
Final Action	07/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Kevin J. Cummings, Chief of Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Washington, DC 20529-2140  
Phone: 202 272-8410  
Fax: 202 272-1542  
Email: kevin.cummings@dhs.gov

**RIN:** 1615-AB75

**Department of Homeland Security (DHS)**  
**U.S. Coast Guard (USCG)**

Proposed Rule Stage

**188. NUMBERING OF UNDOCUMENTED BARGES (USCG-1998-3798)**
**Legal Authority:** 46 USC 12301

**Abstract:** Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
NPRM Reopening of Comment Period	08/12/04	69 FR 49844
NPRM Comment Period End	11/10/04	
Supplemental NPRM	11/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Denise Harmon, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419  
Phone: 304 271-2506

**RIN:** 1625-AA14

**189. COMMERCIAL FISHING INDUSTRY VESSELS (USCG-2003-16158)**

**Legal Authority:** 46 USC 4502(a) to 4502(d); 46 USC 4505 and 4506; 46 USC 6104; 46 USC 10603; DHS Delegation No. 0170.1(92)

**Abstract:** This rulemaking would amend commercial fishing industry vessel requirements to enhance maritime safety. The proposed changes would affect vessel stability and watertight integrity, carriage of immersion suits, training, compliance documentation, and safety equipment.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/31/08	73 FR 16815
ANPRM Comment Period End	12/15/08	
NPRM	10/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Jack Kemerer, Project Manager, CG-5433, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1249  
Email: jack.a.kemerer@uscg.mil

**RIN:** 1625-AA77

**190. INSPECTION OF TOWING VESSELS (USCG-2006-24412)**

**Legal Authority:** 46 USC 3103, 3301, 3306, 3308, 3316, 3703, 8104, and 8904; DHS Delegation No 0170.1

**Abstract:** This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party entities, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping. Due to the costs imposed on an entire uninspected segment of the marine industry, the Coast Guard projects that this will be a significant rulemaking, especially for small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Michael Harmon, Program Manager, CG-522, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593-7126  
Phone: 202 372-1427

**RIN:** 1625-AB06

**Department of Homeland Security (DHS)**  
**U.S. Coast Guard (USCG)**

Final Rule Stage

**191. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG-2001-10486)**
**Legal Authority:** 16 USC 4711

**Abstract:** This rulemaking would propose to add performance standards to 33 CFR part 151, subparts C and D, for discharges of ballast water. It supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship. This project is significant due to high interest from Congress and several Federal and State agencies, as well as costs imposed on industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment Period End	06/03/02	
NPRM	08/28/09	74 FR 44632
Public Meeting	09/14/09	74 FR 46964
Public Meeting	09/22/09	74 FR 48190
Public Meeting	09/28/09	74 FR 49355
Notice—Extension of Comment Period	10/15/09	74 FR 52941
Public Meeting	10/22/09	74 FR 54533
Public Meeting Correction	10/26/09	74 FR 54944
NPRM Comment Period End	12/04/09	74 FR 52941
Final Rule	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Mr. John C Morris, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593-7126  
Phone: 202 372-1433  
Email: john.c.morris@uscg.mil

**RIN:** 1625-AA32

**192. PASSENGER WEIGHT AND INSPECTED VESSEL STABILITY REQUIREMENTS (USCG-2007-0030)**

**Legal Authority:** 33 USC 1321(j); 43 USC 1333; 46 USC 2103, 2113, 3205, 3301, 3306, 3307, 3703, 5115, 6101; 49

## DHS—USCG

## Final Rule Stage

USC App 1804; EO 11735; EO 12234; DHS Delegation No 0170.1; PL 103–206, 107 Stat 2439; 49 USC App 1804; EO 11735

**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 operating these vessels in hazardous weather conditions. This rulemaking would support the Coast Guard's broad role and responsibility of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/08	73 FR 49244
NPRM Comment Period End	11/18/08	
NPRM Comment Period Reopened	12/08/08	73 FR 74426
NPRM Comment Period End	02/06/09	
NPRM Comment Period Reopened	02/18/09	74 FR 7576

Action	Date	FR Cite
NPRM Comment Period End	03/20/09	
Final Action	06/00/10	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** William Peters, Program Manager, Office of Design and Engineering Standards, Systems Engineering Division (CG–5212), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126  
Phone: 202 372–1371  
Email: william.s.peters@uscg.mil

**RIN:** 1625–AB20

### Department of Homeland Security (DHS) U.S. Coast Guard (USCG)

## Long-Term Actions

#### 193. 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 broad role and responsibility of maritime stewardship.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Final Rule Comment Period End	12/10/92	
Supplemental NPRM	04/00/11	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, NPFC MS 7100, United States Coast Guard, 4200 Wilson Boulevard, Arlington, VA 20598–7100  
Phone: 202 493–6863  
Email: benjamin.h.white@uscg.mil

**RIN:** 1625–AA03

#### 194. GREAT LAKES PILOTAGE RATES—2010 ANNUAL REVIEW AND ADJUSTMENT (SECTION 610 REVIEW)

**Legal Authority:** 46 USC 9303(f)

**Abstract:** The Coast Guard is proposing to update the rates for pilotage on the Great Lakes by 5.07 percent to generate sufficient revenue to cover allowable expenses, target pilot compensation, and returns on investment. The proposed update reflects an August 1, 2010, increase in benchmark contractual wages and benefits, as well as an increase in the ratio of pilots to “bridge hours.” This rulemaking promotes the Coast Guard strategic goal of maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/09	74 FR 56153
NPRM Comment Period End	11/30/09	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required: No**

**Agency Contact:** Paul Wasserman, Director, Great Lakes Pilotage (CG–54122), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7581, Washington, DC 20593–7581  
Phone: 202 372–1535  
Email: paul.m.wasserman@uscg.mil

**RIN:** 1625–AB39

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

Prerule Stage

**195. • TRANSPORTATION OF CERTAIN MERCHANDISE AND EQUIPMENT BETWEEN COASTWISE POINTS**

**Legal Authority:** 46 USC 55102

**Abstract:** The Jones Act provides that only coastwise-qualified vessels may transport merchandise between coastwise points. During 2009, U.S. Customs and Border Protection proposed modifying previously-issued ruling letters that determined whether the transportation of certain articles and equipment by non-coastwise-

qualified vessels between coastwise points was in violation of the Jones Act. Because any determination on this matter made by CBP would impact a broad range of regulated parties, and the scope of potential economic impact of any change in existing practice is unknown, CBP is issuing an advance notice of proposed rulemaking to solicit public comment.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Glen E. Vereb, Chief, Cargo Security, Carriers and Immigration Branch, Office of International Trade, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
 Phone: 202 325-0212

**RIN:** 1651-AA84

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

Final Rule Stage

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

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

**Abstract:** This interim final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. It amends CBP Regulations to require carriers and importers to provide to CBP, via a CBP-approved electronic data interchange system, information necessary to enable CBP to identify high-risk shipments to prevent smuggling and insure cargo safety and security. Under the rule, importers and carriers must submit specified information to CBP before the

cargo is brought into the United States by vessel. This advance information will improve CBP's risk assessment and targeting capabilities, assist CBP in increasing the security of the global trading system, and facilitate the prompt release of legitimate cargo following its arrival in the United States.

**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
NPRM Comment Period End	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730

Action	Date	FR Cite
Interim Final Rule Effective	01/26/09	
Interim Final Rule Comment Period End	06/01/09	
Correction Final Action	12/24/09	74 FR 68376
	11/00/10	

**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.dinuccion@dhs.gov

**RIN:** 1651-AA70

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

Final Rule Stage

**197. AIRCRAFT REPAIR STATION SECURITY**

**Legal Authority:** 49 USC 114; 49 USC 44924

**Abstract:** The Transportation Security Administration (TSA) proposed to add a new regulation to improve the security of domestic and foreign aircraft repair stations, as required by the section 611 of Vision 100—Century of Aviation Reauthorization Act and section 1616 of the 9/11 Commission Act of 2007. The regulation proposed general requirements for security programs to be adopted and implemented by repair stations certificated by the Federal Aviation

Administration (FAA). A notice of proposed rulemaking (NPRM) was published in the Federal Register on November 18, 2009, requesting public comments to be submitted on January 19, 2010. The comment period was extended to February 19, 2010.

**Timetable:**

Action	Date	FR Cite
Notice—Public Meeting; Request for Comments	02/24/04	69 FR 8357
Report to Congress	08/24/04	
NPRM	11/18/09	74 FR 59873
NPRM Comment Period End	01/19/10	

Action	Date	FR Cite
NPRM Comment Period Extended	12/29/09	74 FR 68774
NPRM Extended Comment Period End	02/19/10	
Final Rule	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Celio Young, Program Manager, Repair Stations, Department of Homeland Security, Transportation Security Administration, Office of Transportation Sector Network Management, General Aviation

## DHS—TSA

## Final Rule Stage

Division, TSA—28, HQ, E5, 601 South 12th Street, Arlington, VA 20598–6028  
Phone: 571 227–3580  
Fax: 571 227–1362  
Email: celio.young@dhs.gov

Thomas (Tom) Philson, Manager,  
Economic Analysis, Department of  
Homeland Security, Transportation  
Security Administration, Office of

Transportation Sector Network  
Management, TSA—28, HQ, E10–411N,  
601 South 12th Street, Arlington, VA  
20598–6028  
Phone: 571 227–3236  
Fax: 571 227–1362  
Email: thomas.philson@dhs.gov

Linda L. Kent, Assistant Chief Counsel,  
Regulations and Security Standards

Division, Department of Homeland  
Security, Transportation Security  
Administration, Office of the Chief  
Counsel, TSA–2, HQ, E12–126S, 601  
South 12th Street, Arlington, VA  
20598–6002  
Phone: 571 227–2675  
Fax: 571 227–1381  
Email: linda.kent@dhs.gov  
**RIN:** 1652–AA38

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

## Long-Term Actions

**198. 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. 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,  
Office of Finance and Administration,

TSA–14, HQ, W12–319, 601 South 12th  
Street, Arlington, VA 20598–6014  
Phone: 571 227–1081  
Fax: 571 227–2904  
Email: michael.gambone@dhs.gov

Nicholas (Nick) Acheson, Sr.  
Economist, Regulatory Development  
and Economic Analysis, Department of  
Homeland Security, Transportation  
Security Administration, Office of  
Transportation Sector Network  
Management, TSA–28, HQ, E10–410N,  
601 South 12th Street, Arlington, VA  
20598–6028  
Phone: 571 227–5474  
Fax: 571 227–1362  
Email: nicholas.acheson@dhs.gov

Linda L. Kent, Assistant Chief Counsel,  
Regulations and Security Standards  
Division, Department of Homeland  
Security, Transportation Security  
Administration, Office of the Chief  
Counsel, TSA–2, HQ, E12–126S, 601  
South 12th Street, Arlington, VA  
20598–6002  
Phone: 571 227–2675  
Fax: 571 227–1381  
Email: linda.kent@dhs.gov  
**RIN:** 1652–AA43

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

## Proposed Rule Stage

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

**Legal Authority:** 42 USC 5121 to 5207

**Abstract:** This proposed rule would  
revise the Federal Emergency  
Management Agency's Public  
Assistance program regulations. Many  
of these changes reflect amendments

made to the Robert T. Stafford Disaster  
Relief and Emergency Assistance Act  
by the Post-Katrina Emergency  
Management Reform Act of 2006 and  
the Security and Accountability For  
Every Port Act of 2006. The proposed  
rule also proposes to reflect lessons  
learned from recent events, and  
propose further substantive and non-

substantive clarifications and  
corrections to improve upon the Public  
Assistance regulations. This proposed  
rule is intended to improve the  
efficiency and consistency of the Public  
Assistance program, as well as  
implement new statutory authority by  
expanding Federal assistance,  
improving the Project Worksheet



## DHS—FEMA

## Proposed Rule Stage

process, empowering grantees, and improving State Administrative Plans.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** James A. Walke, Disaster Assistance Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472-3100

Phone: 202 646-2751  
Fax: 202 646-3304  
Email: james.walke@dhs.gov

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