

**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 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's regulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory activity. 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, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

**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, Sept. 19, 1980) and Executive Order 12866 “Regulatory Planning and Review” (Sept. 30, 1993) as incorporated in Executive Order 13563 “Improving Regulation and Regulatory Review” (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on January 7, 2014, at 79 FR 1174.

Beginning in fall 2007, the Internet became the basic means for

disseminating the Unified Agenda. The complete Unified Agenda is 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 agendas 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's 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 28, 2014.

**Christina E. McDonald,**

*Associate General Counsel for Regulatory Affairs.*

**OFFICE OF THE SECRETARY—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
171 .....	Ammonium Nitrate Security Program .....	1601–AA52

**U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
172 .....	Administrative Appeals Office: Procedural Reforms To Improve Efficiency .....	1615–AB98

**U.S. COAST GUARD—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
173 .....	Numbering of Undocumented Barges .....	1625–AA14
174 .....	Updates to Maritime Security .....	1625–AB38

**U.S. COAST GUARD—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
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176 .....	Inspection of Towing Vessels .....	1625–AB06
177 .....	Transportation Worker Identification Credential (TWIC); Card Reader Requirements .....	1625–AB21
178 .....	MARPOL Annex 1 Update .....	1625–AB57
179 .....	Lifesaving Devices Uninspected Vessels Commercial Barges and Sailing Vessels ( <b>Section 610 Review</b> ) .....	1625–AB83
180 .....	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation .....	1625–AB85

## U.S. COAST GUARD—LONG-TERM ACTIONS

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## U.S. COAST GUARD—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
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## U.S. CUSTOMS AND BORDER PROTECTION—FINAL RULE STAGE

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## TRANSPORTATION SECURITY ADMINISTRATION—PROPOSED RULE STAGE

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**DEPARTMENT OF HOMELAND SECURITY (DHS)***Office of the Secretary (OS)*

Final Rule Stage

**171. Ammonium Nitrate Security Program**

*Legal Authority:* 2008 Consolidated Appropriations Act, sec 563, subtitle J—Secure Handling of Ammonium Nitrate, Pub. L. 110–161

*Abstract:* This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled “Secure Handling of Ammonium Nitrate.” The amendment requires the Department of Homeland Security to “regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to

prevent the misappropriation or use of ammonium nitrate in an act of terrorism.”

*Timetable:*

Action	Date	FR Cite
ANPRM .....	10/29/08	73 FR 64280
Correction .....	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM .....	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Final Rule .....	12/00/14	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20598–0610, Phone: 703 235–5263, Email: jon.m.maclaren@hq.dhs.gov.

*RIN:* 1601–AA52

**DEPARTMENT OF HOMELAND SECURITY (DHS)***U.S. Citizenship and Immigration Services (USCIS)*

Proposed Rule Stage

**172. Administrative Appeals Office: Procedural Reforms To Improve Efficiency**

*Legal Authority:* 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

*Abstract:* This proposed rule revises the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office. The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/00/15	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* William K. Renwick, Supervisory Citizenship and Immigration Appeals Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, Washington, DC 20529-2090, *Phone:* 703 224-4501, *Email:* william.k.renwick@uscis.dhs.gov, *RIN:* 1615-AB98

**DEPARTMENT OF HOMELAND SECURITY (DHS)***U.S. Coast Guard (USCG)*

Proposed Rule Stage

**173. Numbering of Undocumented Barges**

*Legal Authority:* 46 U.S.C. 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 allows the Coast Guard to identify the owners of abandoned barges. This rulemaking supports the Coast Guard's

broad role and responsibility of protecting natural resources.

*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 Reopening Comment Period End.	11/10/04	
Supplemental NPRM.	08/00/14	

*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, *Email:* denise.e.harmon@uscg.mil.

*RIN:* 1625-AA14**174. Updates to Maritime Security**

*Legal Authority:* 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191 and 192; EO 12656; 3 CFR 1988 Comp p 585; 33 CFR 1.05-1; 33 CFR 6.04-11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No 0170.1

*Abstract:* The Coast Guard proposes certain additions, changes, and amendments to 33 CFR, subchapter H. Subchapter H is comprised of parts 101 through 106. Subchapter H implements the major provisions of the Maritime Transportation Security Act of 2002 (MTSA). This rulemaking is the first major revision to subchapter H. The proposed changes would further the goals of domestic compliance and international cooperation by incorporating requirements from legislation implemented since the original publication of these regulations, such as the Security and Accountability for Every (SAFE) Port Act of 2006, and including international standards such as Standards of Training, Certification & Watchkeeping security training. This rulemaking has international interest because of the close relationship between subchapter H and the International Ship and Port Security Code (ISPS).

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/14	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* LCDR Loan O'Brien, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant, (CG-FAC-2), 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593-7501, *Phone:* 202 372-1133, *Email:* loan.t.o'brien@uscg.mil.

*RIN:* 1625-AB38**DEPARTMENT OF HOMELAND SECURITY (DHS)***U.S. Coast Guard (USCG)*

Final Rule Stage

**175. Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System**

*Legal Authority:* 33 U.S.C. 1223; 33 U.S.C. 1225; 33 U.S.C. 1231; 46 U.S.C. 3716; 46 U.S.C. 8502; 46 U.S.C. 701; sec 102 of Pub. L. 107-295; EO 12234

*Abstract:* This rulemaking would expand the applicability for Notice of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness.

The NOAD portion of this rulemaking could expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require a notice of departure when a vessel is departing for a foreign port or place, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. The AIS portion of this rulemaking would expand current AIS carriage requirements for the population identified in the Safety of Life at Sea (SOLAS) Convention and the Marine Transportation Security Act (MTSA) of 2002.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/16/08	73 FR 76295
Notice of Public Meeting.	01/21/09	74 FR 3534
Notice of Second Public Meeting.	03/02/09	74 FR 9071

Action	Date	FR Cite
NPRM Comment Period End.	04/15/09	
Notice of Second Public Meeting Comment Period End.	04/15/09	
Final Rule .....	12/00/14	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* LCDR Michael D. Lendvay, Program Manager, Office of Commercial Vessel, Foreign and Offshore Vessel Activities Div. (CG-CVC-2), Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593-7501, *Phone:* 202 372-1218, *Email:* michael.d.lendvay@uscg.mil.

Jorge Arroyo, Project Manager, Office of Navigation Systems (CG-NAV-1), Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7418, Washington, DC 20593-7418, *Phone:* 202 372-1563, *Email:* jorge.arroyo@uscg.mil.

*RIN:* 1625-AA99

#### 176. Inspection of Towing Vessels

*Legal Authority:* 46 U.S.C. 3103; 46 U.S.C. 3301; 46 U.S.C. 3306; 46 U.S.C. 3308; 46 U.S.C. 3316; 46 U.S.C. 3703; 46 U.S.C. 8104; 46 U.S.C. 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 auditors and surveyors, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/11/11	76 FR 49976
Notice of Public Meetings.	09/09/11	76 FR 55847
NPRM Comment Period End.	12/09/11	
Final Rule .....	03/00/15	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ken Doyle, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG-OES-2), 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593-7509, *Phone:* 202 372-1421, *Email:* kenneth.j.doyle@uscg.mil.

*RIN:* 1625-AB06

#### 177. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

*Legal Authority:* 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191; 50 U.S.C. 192; EO 12656

*Abstract:* The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential (TWIC). Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act of 2006 to guide regulations pertaining to TWIC readers, including the need to evaluate TSA's final pilot program report as part of the TWIC reader rulemaking. During the rulemaking process, we will take into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we will consider the types of vessels and facilities that will use TWIC readers, locations of secure and restricted areas, operational constraints, and need for accessibility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (i.e., Canceled Card List) between TSA and vessel or facility owners/operators will also be addressed in this rulemaking.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/27/09	74 FR 13360
Notice of Public Meeting.	04/15/09	74 FR 17444
ANPRM Comment Period End.	05/26/09	
Notice of Public Meeting Comment Period End.	05/26/09	
NPRM .....	03/22/13	78 FR 20558
NPRM Comment Period Extended.	05/10/13	78 FR 27335
NPRM Comment Period Extended.	06/20/13	
Final Rule .....	01/00/15	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* LCDR Greg Callaghan, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG-FAC-2), 2703 Martin Luther King Jr Avenue SE., STOP 7501, Washington, DC 20593-7501, *Phone:* 202 372-1168, *Email:* gregory.a.callaghan@uscg.mil.

*RIN:* 1625-AB21

#### 178. MARPOL Annex 1 Update

*Legal Authority:* 33 U.S.C. 1902; 46 U.S.C. 3306

*Abstract:* In this rulemaking, the Coast Guard would amend the regulations in subchapter O (Pollution) of title 33 of the CFR, including regulations on vessels carrying oil, oil pollution prevention, oil transfer operations, and rules for marine environmental protection regarding oil tank vessels, to reflect changes to international oil pollution standards adopted since 2004. Additionally, this regulation would update shipping regulations in title 46 to require Material Safety Data Sheets, in accordance with international agreements, to protect the safety of mariners at sea.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/09/12	77 FR 21360
NPRM Comment Period End.	07/26/12	
Comment Period Extended.	09/07/12	77 FR 43741
Final Rule .....	05/00/14	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* LCDR William Nabach, Project Manager, Office of Design & Engineering Standards, CG-OES-2, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593-7509, *Phone:* 202 372-1386, *Email:* william.a.nabach@uscg.mil.

*RIN:* 1625-AB57

#### 179. Lifesaving Devices Uninspected Vessels Commercial Barges and Sailing Vessels (Section 610 Review)

*Legal Authority:* 46 U.S.C. 2103; 46 U.S.C. 4102; Department of Homeland Security Delegation No 0170.1(92)(a), (92)(b)

*Abstract:* The Coast Guard proposed aligning its regulations with the 2010 Coast Guard Authorization Act. Before 2010, uninspected commercial barges and uninspected commercial sailing vessels fell outside the scope of a statute requiring the regulation of lifesaving devices on uninspected vessels. Lifesaving devices were required on these vessels only if they carried passengers for hire. The 2010 Act brought these vessels within the scope of the statutory requirement to carry lifesaving devices even if they carry no passengers. The Coast Guard proposed requiring the use of wearable personal flotation devices for individuals on board uninspected commercial barges and sailing vessels, and amending

several regulatory tables to reflect that requirement. This rulemaking promotes the Coast Guard's maritime safety mission.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/17/13	78 FR 42739
NPRM Comment Period End.	10/15/13	
Final Rule .....	05/00/14	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Martin L. Jackson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG-ENG-4), 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593-7509, *Phone:* 202 372-1391, *Email:* martin.l.jackson@uscg.mil.

*RIN:* 1625-AB83

### 180. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

*Legal Authority:* Pub. L. 111-281; title VI (Marine Safety)

*Abstract:* The Coast Guard is implementing those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard maritime safety mission.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	09/00/14	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jack Kemerer, Project Manager, CG-CVC-43, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593-7501, *Phone:* 202 372-1249, *Email:* jack.a.kemerer@uscg.mil.

*RIN:* 1625-AB85

## DEPARTMENT OF HOMELAND SECURITY (DHS)

*U.S. Coast Guard (USCG)*

### Long-Term Actions

#### 181. Outer Continental Shelf Activities

*Legal Authority:* 43 U.S.C. 1333(d)(1); 43 U.S.C. 1348(c); 43 U.S.C. 1356; DHS Delegation No 0170.1

*Abstract:* The Coast Guard is the lead Federal agency for workplace safety and health on facilities and vessels engaged in the exploration for, or development, or production of, minerals on the Outer Continental Shelf (OCS), other than for matters generally related to drilling and production that are regulated by the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). This project would revise the regulations on OCS activities by: 1) Adding new requirements, for OCS units for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; 2) adding standards for electrical and machinery installations in hazardous locations; 3) providing regulations for dynamic positioning systems; 4) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and 5) requiring foreign vessels engaged in OCS activities to comply with rules similar to those imposed on U.S. vessels similarly engaged. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

*Timetable:*

Action	Date	FR Cite
Request for Comments.	06/27/95	60 FR 33185
Comment Period End.	09/25/95	
NPRM .....	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended.	03/16/00	65 FR 14226
NPRM Comment Period Extended.	06/30/00	65 FR 40559
NPRM Comment Period End.	11/30/00	
Supplemental NPRM.	06/00/15	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Dan Lawrence, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG-OES-2), 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593-7509, *Phone:* 202 372-1382, *Email:* james.d.lawrence@uscg.mil.

*RIN:* 1625-AA18

## DEPARTMENT OF HOMELAND SECURITY (DHS)

*U.S. Coast Guard (USCG)*

### Completed Actions

#### 182. Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978

*Legal Authority:* 46 U.S.C. 2103; 46 U.S.C. 71; 46 U.S.C. 73; DHS Delegation No. 0170.1

*Abstract:* The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995 and 2010. The 1995 amendments came into force on February 1, 1997. This project implements those amendments by revising current rules to ensure that the United States complies with their requirements on: The training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. In addition, the Coast Guard has identified the need for additional changes to the interim rule issued in 1997. This project supports the Coast Guard's broad role and responsibility of maritime safety. It also supports the roles and responsibilities of the Coast Guard of reducing deaths and injuries of crew members on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. The Coast Guard published an NPRM on November 17, 2009, and Supplemental NPRMs (SNPRM) on March 23, 2010 and August 1, 2011.

At a June 2010 diplomatic conference, the IMO adopted additional amendments to the STCW convention which change the minimum training requirements for seafarers. In response to feedback and to the adoption of those amendments, the Coast Guard developed a second Supplemental NPRM to incorporate the 2010 Amendments into the 1990 interim rule.

*Timetable:*

Action	Date	FR Cite
Notice of Meeting Supplemental NPRM Comment Period End.	08/02/95 09/29/95	60 FR 39306
Notice of Inquiry ..	11/13/95	60 FR 56970

Action	Date	FR Cite
Comment Period End.	01/12/96	
NPRM .....	03/26/96	61 FR 13284
Notice of Public Meetings.	04/08/96	61 FR 15438
NPRM Comment Period End.	07/24/96	
Notice of Intent ....	02/04/97	62 FR 5197
Interim Final Rule	06/26/97	62 FR 34505
Interim Final Rule Effective.	07/28/97	
NPRM .....	11/17/09	74 FR 59353
NPRM Comment Period End.	02/16/10	
Supplemental NPRM.	03/23/10	75 FR 13715
Supplemental NPRM.	08/01/11	76 FR 45908
Public Meeting Notice.	08/02/11	76 FR 46217
Supplemental NPRM Comment Period End.	09/30/11	
Final Rule .....	12/24/13	78 FR 77795

#### Regulatory Flexibility Analysis

Required: Yes.

*Agency Contact:* Mark Gould, Project Manager, CG-OES-1, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593-7509, Phone: 202 372-1409, Email: mark.c.gould@uscg.mil.

RIN: 1625-AA16

### DEPARTMENT OF HOMELAND SECURITY (DHS)

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

Final Rule Stage

#### 183. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)

*Legal Authority:* Pub. L. 109-347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

*Abstract:* This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, CBP published an interim final rule (CBP Dec. 08-46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the NPRM. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data

elements, is conducting a structured review, and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. [See 73 FR 71782-85 for regulatory text and 73 CFR 71733-34 for general discussion.] The remaining requirements of the rule were adopted as final. CBP plans to issue a final rule after CBP completes a structured review of the flexibilities and analyzes the comments.

#### 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
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction .....	07/14/09	74 FR 33920
Correction .....	12/24/09	74 FR 68376
Final Action .....	02/00/15	

#### Regulatory Flexibility Analysis

Required: Yes.

*Agency Contact:* Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, Phone: 202 344-3052, Email: craig.clark@cbp.dhs.gov.

RIN: 1651-AA70

#### 184. Implementation of the GUAM-CNMI Visa Waiver Program (Section 610 Review)

*Legal Authority:* Pub. L. 110-229, sec 702

*Abstract:* The IFR (or the final rule planned for the coming year) rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for

business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed forty-five days. This rulemaking would finalize the January 2009 interim final rule.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action .....	02/00/15	

#### Regulatory Flexibility Analysis

Required: No.

*Agency Contact:* Paul Minton, CBP Officer (Program Manager), Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, Phone: 202 344-2723, Email: paul.a.minton@cbp.dhs.gov.

RIN: 1651-AA77

**DEPARTMENT OF HOMELAND SECURITY (DHS)***Transportation Security Administration (TSA)*

## Proposed Rule Stage

**185. General Aviation Security and Other Aircraft Operator Security**

*Legal Authority:* 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

*Abstract:* On October 30, 2008 (73 FR 64790), the Transportation Security Administration (TSA) issued a Notice of Proposed Rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs.

After considering comments received on the NPRM and sponsoring public meetings with stakeholders, TSA decided to revise the original proposal to tailor security requirements to the general aviation industry. TSA is preparing a supplemental NPRM (SNPRM), which will include a comment period for public comments. TSA is considering the following proposed provisions in the SNPRM: (1) security measures for foreign aircraft operators commensurate with measures for U.S. operators, (2) the type of aircraft subject to TSA regulation, (3) compliance oversight, (4) watch list matching of passengers, (5) prohibited items, (6) scope of the background check requirements and the procedures used to implement the requirement, and (7) other issues.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	

Action	Date	FR Cite
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Supplemental NPRM.	12/00/14	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Zach Carder, Engagement Manager, General Aviation, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E, 601 South 12th Street, Arlington, VA 22304, *Phone:* 571 227–2995, *Email:* zach.carder@tsa.dhs.gov.

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*RIN:* 1652–AA53

**186. Security Training for Surface Mode Employees**

*Legal Authority:* 49 U.S.C. 114; Pub. L. 110–53, secs 1408, 1517, and 1534

*Abstract:* The Transportation Security Administration (TSA) intends to propose a new regulation to address the security of freight railroads, public transportation, passenger railroads, and over-the-road buses in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). As required by the 9/11 Act, the rulemaking will propose that certain railroads, public transportation agencies, and over-the-road bus companies provide security training to their frontline employees in the areas of security awareness, operational security, incident prevention and response, and security exercises that test effectiveness of training. The rulemaking will also propose extending security coordinator

and reporting security incident requirements applicable to rail operators under current 49 CFR part 1580 to the non-rail transportation components of covered public transportation agencies and over-the-road buses. The regulation will take into consideration any current security training requirements or best practices.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/14	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Fax:* 571 227–2935, *Email:* jack.kalro@tsa.dhs.gov.

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*RIN:* 1652–AA55

**187. Standardized Vetting, Adjudication, and Redress Services**

*Legal Authority:* 49 U.S.C. 114, 5103A, 44903 and 44936; 46 U.S.C. 70105; 6 U.S.C. 469; Pub. L. 110–53, secs 1411, 1414, 1520, 1522 and 1602

*Abstract:* The Transportation Security Administration (TSA) intends to propose new regulations to revise and standardize the procedures, adjudication criteria, and fees for most of the security threat assessments (STA)

of individuals for which TSA is responsible. The scope of the rulemaking will include transportation workers from all modes of transportation who are required to undergo an STA, including surface maritime and aviation workers. In accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), the notice of proposed rulemaking (NPRM) will address STAs for frontline employees for public transportation agencies and railroad.

In addition, TSA will propose fees to cover the cost of all STAs. TSA plans to improve efficiencies in processing STAs and streamline existing regulations by simplifying language and removing redundancies.

As part of this proposed rule, TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for ASFP on September 20, 2004. TSA regulations require aliens seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which students currently fall; the nature of the STA depends on the student's category. TSA is considering changes to the AFSP that would improve the equity among fee payers and enable the implementation of new technologies to support vetting.

#### Timetable:

Action	Date	FR Cite
NPRM .....	02/00/15	

#### Regulatory Flexibility Analysis

Required: Yes.

**Agency Contact:** Hao-y Tran  
Froemling, Acting Director, Program Management Division, Department of Homeland Security, Transportation Security Administration, Office of Intelligence and Analysis, TSA-10, HQ, E6, 601 South 12th Street, Arlington, VA 20598-6010, Phone: 571 227-2782, Email: [haoy.froemling@tsa.dhs.gov](mailto:haoy.froemling@tsa.dhs.gov).

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RIN: 1652-AA61

## DEPARTMENT OF HOMELAND SECURITY (DHS)

### Transportation Security Administration (TSA)

#### Completed Actions

#### 188. Aircraft Repair Station Security

**Legal Authority:** 49 U.S.C. 114; 49 U.S.C. 44924

**Abstract:** With the Final Rule, TSA requires certain repair stations located on or adjacent to an airport to adopt limited security measures to prevent the unauthorized operation of large aircraft left unattended. All repair stations certificated under part 145 of FAA's regulations must submit to security inspections and audits and implement security directives if issued by TSA.

#### 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	
NPRM Comment Period Extended.	12/29/09	74 FR 68774
NPRM Extended Comment Period End.	02/19/10	
Final Rule .....	01/13/14	79 FR 2119
Final Rule Effective.	02/27/14	

#### Regulatory Flexibility Analysis

Required: Yes.

**Agency Contact:** Shawn Gallagher, Regional Security Inspector, Compliance Programs, Repair Stations, Department of Homeland Security, Transportation Security Administration, Office of Security Operations, TSA-29, HQ, E5, 601 South 12th Street, Arlington, VA 20598-6029, Phone: 571 227-3378, Email: [shawn.gallagher@tsa.dhs.gov](mailto:shawn.gallagher@tsa.dhs.gov).

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RIN: 1652-AA38

#### 189. Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)

**Legal Authority:** 49 U.S.C. 44901; 49 U.S.C. 44924

**Abstract:** This rulemaking is no longer needed, because section 601(a) of the Bipartisan Budget Act of 2013, Div. A., Public Law 113-67 (127 Stat. 1165, Dec. 26, 2013) repeals the Aviation Security Infrastructure Fee (ASIF) effective as of October 1, 2014. Accordingly, TSA is withdrawing this rulemaking.

#### 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	
Withdrawn .....	02/11/14	

#### 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, 601 South 12th Street, Arlington, VA 20598-6014, Phone: 571 227-1081, Fax: 571 227-2904, Email: [michael.gambone@tsa.dhs.gov](mailto:michael.gambone@tsa.dhs.gov).

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*RIN*: 1652–AA43

## DEPARTMENT OF HOMELAND SECURITY (DHS)

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

### Completed Actions

#### 190. Standards To Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities

*Legal Authority*: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1103; 8 U.S.C. 1182; . . .

*Abstract*: The Department of Homeland Security (DHS) is finalizing regulations setting detention standards to prevent, detect, and respond to sexual abuse and assault in DHS confinement facilities. These regulations address and respond to public comments received on the notice of proposed rulemaking published December 19, 2012, at 77 FR 75300.

*Timetable*:

Action	Date	FR Cite
NPRM .....	12/19/12	77 FR 75300
NPRM Comment Period Extended.	02/07/13	78 FR 8987
NPRM Comment Period End.	02/19/13	
NPRM Extended Comment Period End.	02/26/13	
Final Rule .....	03/07/14	79 FR 13099
Final Rule Effective.	05/06/14	

*Regulatory Flexibility Analysis Required*: Yes.

*Agency Contact*: Alexander Hartman, Regulatory Coordinator, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20536, *Phone*: 202 732–6202, *Email*: [alexander.hartman@ice.dhs.gov](mailto:alexander.hartman@ice.dhs.gov).

*RIN*: 1653–AA65

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