



# Federal Register

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**Monday,  
December 10, 2007**

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**Part XI**

**Department of  
Justice**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF JUSTICE (DOJ)**

**DEPARTMENT OF JUSTICE**

**8 CFR Ch. V**

**21 CFR Ch. I**

**27 CFR Ch. II**

**28 CFR Ch. I, V**

**Regulatory Agenda**

**AGENCY:** Department of Justice.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Justice is publishing its fall 2007 regulatory agenda pursuant to Executive Order 12866 “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 (1988).

**FOR FURTHER INFORMATION CONTACT:** Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

**SUPPLEMENTARY INFORMATION:** For this edition of the Department of Justice’s regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal**

**Register** that includes the Unified Agenda.

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

- (1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
- (2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan

will continue to be printed in the **Federal Register**, as in past years, including the Department of Justice’s regulatory plan.

The Regulatory Flexibility Act (RFA) requires that, each year, the Department publish a list of those regulations that have a significant economic impact upon a substantial number of small entities and are to be reviewed under section 610 of the Act during the succeeding 12 months. This edition of the Department’s regulatory agenda includes two regulations requiring such a review: “Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities” (RIN 1190-AA44) and “Nondiscrimination on the Basis of Disability in State and Local Government Services” (RIN 1190-AA46). In accordance with the RFA, comments are specifically invited on these regulations. Those comments should be addressed to the contact persons listed in the entries for these items. This edition also includes one regulation resulting from a section 610 review: “Commerce in Explosives (Including Explosives in the Fireworks Industry)” (RIN 1140-AA01).

**Dated:** September 24, 2007.

**Brett C. Gerry,**  
*Acting Assistant Attorney General, Office of Legal Policy.*

**Civil Rights Division—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
402	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 88</b> ) .....	1190-AA44
403	Nondiscrimination on the Basis of Disability in State and Local Government Services ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 89</b> ) .....	1190-AA46

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

**Bureau of Alcohol, Tobacco, Firearms, and Explosives—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
404	Commerce in Explosives (Including Explosives in the Fireworks Industry) ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	1140-AA01

DOJ

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
405	Electronic Prescriptions for Controlled Substances .....	1117-AA61

Legal Activities—Final Rule Stage

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

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
407	Bulletproof Vest Partnership Grant Acts of 1998 and 2000 .....	1121-AA48

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

Proposed Rule Stage

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

**Regulatory Plan:** This entry is Seq. No. 88 in part II of this issue of the **Federal Register**.

**RIN:** 1190-AA44

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

**Regulatory Plan:** This entry is Seq. No. 89 in part II of this issue of the **Federal Register**.

**RIN:** 1190-AA46

Department of Justice (DOJ)

Long-Term Actions

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

**404. COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY) (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**Legal Authority:** 18 USC 847

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

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

**Timetable:**

Action	Date	FR Cite
General Notice of Regulatory Review	01/10/97	62 FR 1386
NPRM	01/29/03	68 FR 4406

Action	Date	FR Cite
NPRM Comment Period End	04/29/03	
NPRM Comment Period Reopened	06/23/03	68 FR 37109
NPRM Reopened Comment Period End	07/07/03	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** James Ficaretta  
Phone: 202 648-7094

**RIN:** 1140-AA01

## Department of Justice (DOJ)

Proposed Rule Stage

## Drug Enforcement Administration (DEA)

**405. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES****Legal Authority:** 21 USC 821; 21 USC 829; 21 USC 871(b)

**Abstract:** DEA is revising its regulations to permit DEA-registered prescribers to write and sign prescriptions electronically. These revised regulations would be in addition to, not a replacement of, the existing rules. These regulations are needed to give pharmacies, hospitals, and practitioners the ability to use modern technology for controlled substance prescriptions, while maintaining the closed system of distribution of controlled substances dispensing. The revised regulations

would reduce paperwork and transaction times for DEA registrants who dispense or prescribe controlled substances. The revised regulations would also reduce the number of prescription errors caused by illegible handwriting and misunderstood oral prescriptions. They would allow pharmacies and hospitals to integrate prescription records into other medical records more directly, increasing efficiency, and would reduce the time patients spend waiting to have prescriptions filled. These revised regulations are consistent with paperwork reduction mandates. These revised regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global

and National Commerce Act," while ensuring security and authentication.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/05/01	66 FR 13274
NPRM	06/00/08	
NPRM Comment Period End	09/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7297

**RIN:** 1117-AA61

## Department of Justice (DOJ)

Final Rule Stage

## Legal Activities (LA)

**406. REVISED INSPECTION OF RECORDS RELATING TO DEPICTION OF SEXUALLY EXPLICIT PERFORMANCES****Legal Authority:** 18 USC 2257; PL 109-248

**Abstract:** In the Child Protection and Obscenity Enforcement Act of 1998, Public Law No. 100-690, as amended by the Child Protection Restoration and Penalties Enhancement Act of 1990, Public Law No. 101-647, and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-21, Congress set forth requirements at section 2257, title 18, United States Code, concerning recordkeeping requirements for producers of sexually explicit material. Section 2257 of title 18, United States

Code, specifies steps that must be taken by persons who produce materials depicting sexually explicit conduct to determine the names and dates of birth of persons depicted in those materials, lists records that must be kept by persons producing those materials, and requires that notices as to the location of those records be affixed to those materials. 28 CFR part 75 contains recordkeeping and inspection requirements implementing section 2257, title 18, United States Code. On May 24, 2005 (70 FR 29607), the Department published a final rule amending these requirements at 28 CFR part 75 to bring the regulations up to date and to make the inspection process effective for the purposes set by Congress in enacting section 2257.

This rule amends the recordkeeping and inspection requirements of 28 CFR

part 75 to account for changes in the underlying statute, 18 U.S.C. section 2257, made by the Adam Walsh Child Protection and Safety Act of 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/07	72 FR 38033
NPRM Comment Period End	09/10/07	
Final Action	03/00/08	

**Regulatory Flexibility Analysis Required:** Yes

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

**RIN:** 1105-AB18

## Department of Justice (DOJ)

Final Rule Stage

## Office of Justice Programs (OJP)

**407. BULLETPROOF VEST PARTNERSHIP GRANT ACTS OF 1998 AND 2000****Legal Authority:** 42 USC 3796ll

**Abstract:** The Bureau of Justice Assistance (BJA) is publishing final regulations implementing the Bulletproof Vest Partnership Grant Acts of 1998 and 2000, which authorize BJA funds to eligible States, units of local government, and Indian tribes to

purchase armored vests for use by law enforcement officers. This final rule reflects the revised process by which eligible jurisdictions may register, apply, and request funding under BJA's Internet-Based Bulletproof Vest Partnership Grant Program.

On September 23, 1998, BJA published an interim final rule, with a request for comments (63 FR 50759). The interim final rule established the process by

which BJA would implement the Bulletproof Vest Partnership Grant Act of 1998. BJA did not receive any comments in response to the interim final rule. Nevertheless, BJA initiated numerous outreach efforts, in the form of focus groups and beta testing, to ensure that all affected parties had ample opportunity to review and participate in the program's design and development.

## DOJ—OJP

## Final Rule Stage

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule Effective	09/23/98	
Interim Final Rule Comment Period End	11/23/98	
Second Interim Final Rule	03/00/08	

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Linda  
Hammond–Decker, Program Manager,  
Department of Justice, Office of Justice  
Programs, 810 7th Street NW,  
Washington, DC 20053

Phone: 202 514–6015

**RIN:** 1121–AA48

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