

[June 28, 2004 (Volume 69, Number 123)]
[Unified Agenda]
From the Federal Register Online via GPO Access [frwais.access.gpo.gov]
[DOCID: f:ua040412.wais]

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Department of Justice

Part XII

Semiannual Regulatory Agenda

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DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2004 regulatory agenda pursuant to Executive Order 12866 ``Regulatory Planning and Review,`` 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 7236, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

SUPPLEMENTARY INFORMATION: 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 unified agenda includes three regulations requiring such a review: ``Commerce in Explosives (Including Explosives in the Fireworks Industry)`` (RIN 1140-AA01); ``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.

Dated: May 25, 2004.

Daniel J. Bryant,

Assistant Attorney General, Office of Legal Policy.

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Department of Justice (DOJ)	Proposed Rule Stage
Federal Bureau of Investigation (FBI)	

1883. [bullet][Is-thn-eq] IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT--NOTICE OF ACTUAL AND MAXIMUM CAPACITY: PAGING, MSS, SMR, & ESMR

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 103-414 Communications Assistance for Law Enforcement Act PL 104-208 Omnibus Consolidated Appropriations Act of 1997

CFR Citation: 28 CFR 100

Legal Deadline: None

Abstract: Section 104 of the Communications Assistance for Law Enforcement Act (CALEA) requires the Attorney General to publish a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the information they will need to meet law enforcement's future simultaneous electronic surveillance requirements. For local exchange, cellular, and broadband PCS, the FBI published an Initial Notice of Capacity on October 16, 1995 (60 FR 53643), and a Second Notice of Capacity on January 14, 1997 (62 FR 1902). The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218). Additionally, the FBI published a Notice of Inquiry (NOI) in the Federal Register on December 18, 1998 (63 FR 70160), which solicited information on and suggestions for developing reasonable methodologies for characterizing capacity requirements for telecommunications services and technologies other than local exchange, cellular, and broadband PCS. Comments were due on February 16, 1999. Information gathered in response to the NOI was used in publishing the Further Notice of Inquiry (FNOI) on June 30, 2000 (65 FR 40694). Comments were due August 29, 2000. Information gathered in response to the FNOI will be used in the publication of an Initial Notice of Capacity for developing reasonable capacity methodologies for the paging, mobile satellite, specialized mobile radio, and enhanced specialized mobile radio services.

Timetable:

Action	Date	FR Cite

Notice of Inquiry (Cap

69 FR 37771.txt
Methodology 12/18/98 63 FR 70160
Further Notice of Inquiry (Cap
Methodology) 06/30/00 65 FR 40694
Notice of Capacity 04/00/05

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC exercised its authority under section 107 of CALEA to grant carriers extensions of this compliance date. As a result of the FCC's order, carriers must now be in compliance with section 103 by June 30, 2000. If compliance is not reasonably achievable through application of available technology, the carrier may petition the FCC for a section 107 extension of up to 2 years. By subsequent FCC orders, the assistance capability compliance date for packet mode communication is November 19, 2001, and for the additional capabilities/`punchlist' capabilities is June 30, 2002. Carriers may again petition the FCC for a section 107 extension. Lastly, as a result of the publication of the Final Notice of Capacity for local exchange, cellular, and broadband PCS carriers, these carriers must be in compliance with section 104 by March 12, 2001.

This rulemaking 1110-AA22 continues the rulemaking previously listed as `child' RIN 1110-AA13 under `parent' RIN 1110-AA00. This rulemaking has been transferred to RIN 1110-AA22 because the computer system used by the Regulatory Information Service Center (RICS) to compile the Unified Agenda no longer supports `parent' and `child' RINs. This rulemaking is

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not a new action. (For other CALEA-related rulemakings, see RINs 1110-AA10 and 1110-AA21.)

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RIN: 1110-AA22