

example is not specific about the timing of the interstate travel in relation to the enactment of SORNA, it could be understood as referring to a situation in which the travel occurred before the enactment of SORNA. Accordingly, this final rule makes minor changes in the language of Example 2 so as to avoid any arguable inconsistency with the Supreme Court's holding in *Carr* regarding the scope of criminal liability under 18 U.S.C. 2250.

#### Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities for the purposes of that Act because the regulation concerns the application of the requirements of the Sex Offender Registration and Notification Act to certain offenders.

#### Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), and accordingly this rule has been reviewed by the Office of Management and Budget.

#### Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. There has been substantial consultation with State officials regarding the interpretation and implementation of the Sex Offender Registration and Notification Act. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

#### Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the

private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995. By way of explanation, this rule finalizes an interim rule concerning the applicability of SORNA's registration requirements to sex offenders, including those whose sex offense convictions occurred before SORNA's enactment. The rule facilitates federal prosecution of sex offenders in the affected classes who fail to register as required, see 18 U.S.C. 2250, but it does not directly require expenditures by state, local, or tribal governments. The interim rule was issued prior to the publication by the Attorney General of the SORNA Guidelines, appearing at 73 FR 38029 et seq., which determine what state, local, and tribal jurisdictions must do to achieve substantial implementation of the SORNA standards in their registration programs. The SORNA Guidelines include instructions to jurisdictions concerning the classes of sex offenders with pre-existing convictions whom the jurisdictions must register, and the costs of doing so will not be affected or increased by the finalization of the interim rule. Based on the known costs in jurisdictions that have implemented SORNA to date, it is not anticipated that the cost of implementing this aspect of the SORNA standards will exceed \$100 million annually.

#### Executive Order 13175—Consultation and Coordination with Indian Tribal Governments

This rule comports with Executive Order 13175. The Department of Justice has carried out previous tribal consultations regarding actions under SORNA affecting Indian tribes. The Department engaged in a voluntary consultation on this rule with tribal officials in Spokane, Washington, on October 4, 2010.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### List of Subjects in 28 CFR Part 72

Crime, Information, Law enforcement, Prisons, Prisoners, Records, Probation and Parole.

■ Accordingly, for the reasons stated in the interim rule adding 28 CFR part 72, which was published at 72 FR 8894 on February 28, 2007, and for the reasons stated in the supplementary information to this rule, the interim rule is adopted as a final rule with one change as follows:

#### PART 72—SEX OFFENDER REGISTRATION AND NOTIFICATION

■ 1. The authority citation continues to read as follows:

**Authority:** Pub. L. 109–248, 120 Stat. 587.

■ 2. In § 72.3, Example 2 is revised to read as follows:

#### § 72.3 Applicability of the Sex Offender Registration and Notification Act.

\* \* \* \* \*

*Example 2.* A sex offender is convicted by a state jurisdiction in 1997 for molesting a child and is released following imprisonment in 2000. The sex offender initially registers as required but relocates to another state in 2009 and fails to register in the new state of residence. The sex offender has violated the requirement under the Sex Offender Registration and Notification Act to register in any jurisdiction in which he resides, and could be held criminally liable under 18 U.S.C. 2250 for the violation because he traveled in interstate commerce.

Dated: December 21, 2010.

**Eric H. Holder, Jr.,**

*Attorney General.*

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#### DEPARTMENT OF JUSTICE

#### Bureau of Prisons

#### 28 CFR Part 541

[Docket No. BOP–1118–F]

RIN 1120–AB18

#### Inmate Discipline Program/Special Housing Units: Subpart Revision and Clarification

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

**ACTION:** Final rule; correction.

**SUMMARY:** The Bureau of Prisons (Bureau) is correcting a final rule that appeared in the **Federal Register** of December 8, 2010 (75 FR 76263). The document issued a final rule amending

the Bureau's Inmate Discipline Program and Special Housing Units (SHU) regulations. The Bureau issues this correction document in order to correct typographical and numbering errors. No substantive changes are being made to the final rule document.

**DATES:** This rule is effective on March 1, 2011.

**ADDRESSES:** Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., Washington, DC 20534.

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

**SUPPLEMENTARY INFORMATION:** The Bureau corrects its Inmate Discipline and Special Housing Units (SHU) regulations (28 CFR part 541, subpart A and subpart B), as published in the **Federal Register** of December 8, 2010 (75 FR 76263), FR Doc. 2010-30525, as follows:

1. On page 76266, in the second column, second full paragraph beginning "Code 331", the reference to "§ 541.03" is corrected to read "§ 541.3".

**§ 541.3 [Corrected]**

2. On page 76267, the title of Table 1, "Table 1—Prohibited Acts and Available Sanctions Greatest Severity Level Prohibited Acts" is corrected to read "Table 1—Prohibited Acts and Available Sanctions".

3. On page 76267, in Table 1, between the line after the title of Table 1 and before the line beginning with "100", insert a new line with a subheading to read as follows: "Greatest Severity Level Prohibited Acts".

**§ 541.7 [Corrected]**

4. On page 76272, in the first column, in § 541.7(a)(4), "§ 541.04" is corrected to read "§ 541.4".

5. On page 76272, in the first column, in § 541(g), "§ 541.08" is corrected to read "§ 541.8".

**§ 541.23 [Corrected]**

12. On page 76273, in the third column, in § 541.23(c)(3), "You requested, or staff determined you need, administrative detention status for your own protection." Is corrected to read "You requested, or staff determined you need, administrative detention status for your own protection; or".

**Harley G. Lappin,**

*Director, Federal Bureau of Prisons.*

[FR Doc. 2010-32706 Filed 12-28-10; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2010-1108]

RIN 1625-AA00

**Safety Zone; New Year's Celebration for the City of San Francisco, Fireworks Display, San Francisco, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in support of the New Year's Eve Celebration for the City of San Francisco Fireworks Display. The temporary safety zone will extend 100 feet from the nearest point of the barge during the loading, transit, and arrival of the pyrotechnics, and will extend 1,000 feet from the nearest point of the barge during the fireworks display. This safety zone is established to ensure the safety of participants and spectators from the dangers associated with the pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or her designated representative.

**DATES:** This rule is effective from 11 a.m. on December 31, 2010 until 12:30 a.m. on January 1, 2011.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-1108 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-1108 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Lieutenant Junior Grade Allison Natcher at 415-399-7442, or e-mail [D11-PF-MarineEvents@uscg.mil](mailto:D11-PF-MarineEvents@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

The Coast Guard is issuing this temporary final rule without prior

notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule, as it would be impracticable to do so because the event would occur before the rulemaking process would be completed. Because of the dangers posed by the pyrotechnics used in these fireworks displays, the safety zones are necessary to provide for the safety of event participants, spectators, spectator craft, and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay in the effective date of this rule would expose mariners to the dangers posed by the pyrotechnics used in the fireworks display.

**Background and Purpose**

The City of San Francisco will sponsor the New Year's Eve Celebration for the City of San Francisco Fireworks Display from 11:45 p.m. on December 31, 2010 until 12:30 a.m. on January 1, 2011, on the navigable waters of San Francisco Bay located 1,000 feet from the San Francisco Ferry Building in San Francisco, CA. The fireworks display is for entertainment purposes. From 11 a.m. until 11 p.m. on December 31, 2010, pyrotechnics will be loaded onto a barge at Pier 50 near position 37°46'29.5" N, 122°22'57.4" W. From 11 p.m. until 11:20 p.m. the loaded barge will be transiting from Pier 50 to the launch site located at position 37°47'42.60" N, 122°23'19.10" W. The Coast Guard has granted the event sponsor a marine event permit for the fireworks displays. We believe that a safety zone is necessary to protect spectators, vessels, and other property from the hazards associated with pyrotechnics on the fireworks barges.

**Discussion of Rule**

The Coast Guard is establishing a safety zone to keep spectators and vessels a safe distance away from the fireworks barges to ensure the safety of participants, spectators, and transiting vessels during the fireworks display.