

**List of Subjects in 28 CFR Part 570**

Prisoners.

**Harley G. Lappin,**

*Director, Bureau of Prisons.*

■ Under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96, we amend 28 CFR part 570 as set forth below.

**SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE****PART 570—COMMUNITY PROGRAMS**

■ 1. Revise the authority citation for 28 CFR part 570 to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 751, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161–4166, 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510.

■ 2. Revise subpart B to read as follows:

**Subpart B—Pre-Release Community Confinement**

Sec.

570.20 Purpose.

570.21 Time-frames.

570.22 Designation.

**§ 570.20 Purpose.**

The purpose of this subpart is to provide the procedures of the Bureau of Prisons (Bureau) for designating inmates to pre-release community confinement or home detention.

(a) *Community confinement* is defined as residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers); and participation in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during non-residential hours.

(b) *Home detention* is defined as a program of confinement and supervision that restricts the defendant to his place of residence continuously, except for authorized absences, enforced by appropriate means of surveillance by the probation office or other monitoring authority.

**§ 570.21 Time-frames.**

(a) *Community confinement.* Inmates may be designated to community confinement as a condition of pre-release custody and programming during the final months of the inmate's

term of imprisonment, not to exceed twelve months.

(b) *Home detention.* Inmates may be designated to home detention as a condition of pre-release custody and programming during the final months of the inmate's term of imprisonment, not to exceed the shorter of ten percent of the inmate's term of imprisonment or six months.

(c) *Exceeding time-frames.* These time-frames may be exceeded when separate statutory authority allows greater periods of community confinement as a condition of pre-release custody.

**§ 570.22 Designation.**

Inmates will be considered for pre-release community confinement in a manner consistent with 18 U.S.C. section 3621(b), determined on an individual basis, and of sufficient duration to provide the greatest likelihood of successful reintegration into the community, within the time-frames set forth in this part.

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**DEPARTMENT OF AGRICULTURE****Forest Service****36 CFR Part 211**

**RIN 0596–AB63**

**Administration; Cooperative Funding; Correction**

**AGENCY:** Forest Service, USDA.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to the final regulations, which were published in the **Federal Register** of November 8, 1999 (64 FR 60678). The regulations established the minimum requirements applicable to written agreements between the Forest Service and cooperators, such as individuals, States and local governments, and other non-Federal entities. Additionally, this rulemaking implemented amendments to the Act of June 30, 1914, which expanded the basis for accepting contributions for cooperative work, allows reimbursable payments by cooperators, and adequately protects the Government's interest.

**DATES:** Effective on October 21, 2008.

**FOR FURTHER INFORMATION CONTACT:** Patricia S. Palmer, Washington Office Grants and Agreements, (703) 605–4776 or Ken Kessler, Office of Tribal Relations, (202) 205–4972.

**SUPPLEMENTARY INFORMATION:****Background**

The final regulations that are the subject of these corrections implemented amendments to the Act of June 30, 1914 (16 U.S.C. 498). This Act authorizes the Secretary of Agriculture to receive and subsequently use money as contributions toward cooperative work in forest investigations or for the protection and improvement of the national forests. The rule implemented amendments the Act of June 30, 1914, (16 U.S.C. 498) by: (1) Providing for the use of contributions for cooperative work on the entire National Forest System; (2) Adding “management” to the list of activities for which contributions for cooperative work may be accepted; and (3) Providing specific authority to accomplish cooperative work using Forest Service funds prior to reimbursement by the cooperator pursuant to a written agreement.

**Need for Correction**

As published, the final regulations do not define adequately the term non-Government cooperator. This term is defined so that non-Government entities can obtain a bond to protect the agency should the non-Government entity owe money to the agency for work performed on their behalf. Non-Government is defined in the negative by listing government entities and making all other entities non-Government. Omitted from the government list are federally recognized Indian tribes which means any Indian Tribe, band, nation, or other organized group or community, and other organizations funding a Forest Service agreement with pass through funding from an entity that is a member, division, or affiliate of a Federal, State, local government, or federally recognized Indian Tribe. This omission leads to inconsistent interpretation and, therefore, requires correction.

**List of Subjects in 36 CFR Part 211**

Administrative practice and procedure, Fire prevention, Intergovernmental relations, National forests.

■ Accordingly, 36 CFR part 211 is corrected by making the following correcting amendments:

**PART 211—ADMINISTRATION**

■ 1. The authority citation for part 211 continues to read as follows:

**Authority:** 16 U.S.C. 472, 498, 551.

**Subpart A—Cooperation**

■ 2. Revise § 211.6 paragraph (c) to read as follows:

§ 211.6 Cooperation in forest investigations or the protection, management, and improvement of the National Forest System.

(c) *Bonding.* Each written agreement involving a non-Government cooperator's total contribution of \$25,000 or more to the Forest Service on a reimbursable basis, must include a provision requiring a payment bond to guarantee the cooperator's reimbursement payment. Acceptable security for a payment bond includes Department of the Treasury approved corporate sureties, Federal Government obligations, and irrevocable letters of credit. For the purposes of this section, a non-Government cooperator is an entity that is not a member, division, or affiliate of a Federal, State, local government, a federally recognized Indian Tribe (as defined by the Federally Recognized Indian Tribe List Act of 1994 [25 U.S.C. 479a]), or other organizations funding a Forest Service agreement with pass through funding from an entity that is a member, division, or affiliate of a Federal, State, local government, or federally recognized Indian Tribe.

Dated: September 24, 2008.  
**Robin L. Thompson,**  
*Associate Deputy Chief, State and Private Forestry.*  
[FR Doc. E8-25068 Filed 10-17-08; 11:15 am]  
BILLING CODE 3410-11-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1051

Control of Emissions From Recreational Engines and Vehicles

CFR Correction

In title 40 of the Code of Federal Regulations, part 790 to end, revised as of July 1, 2008, on page 797, in § 1051.315, reinstate paragraph (a) introductory text to read as follows:

§ 1051.315 How do I know when my engine family fails the production-line testing requirements?

(a) Calculate your test results. Round them to the number of decimal places in the emission standard expressed to one more decimal place.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 080310411-8949-02]  
RIN 0648-AU14

Pacific Halibut Fisheries; Subsistence Fishing; Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.  
**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a final rule published in the **Federal Register** on September 24, 2008, amending the subsistence fishery rules for Pacific halibut. This correcting amendment corrects the headings in two tables.

**DATES:** Effective on October 24, 2008.

**FOR FURTHER INFORMATION CONTACT:** Becky Carls, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The final rule that is the subject of these corrections was published on September 24, 2008 (73 FR 54932), and implemented amendments to the subsistence fishery rules for Pacific halibut in waters in and off Alaska.

Need for Corrections

The regulations at § 300.65 provide for a catch sharing plan and for domestic management measures for Pacific halibut fisheries in waters in and off Alaska. Among other regulatory actions, the final rule converted the gear and harvest restrictions from text to table format. This action amends § 300.65(h)(1)(i) table heading by replacing "Retention limits" with "Gear restrictions" and amends § 300.65(h)(2) table heading by replacing "Gear restrictions" with "Retention limits."

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator of Fisheries finds good cause to waive prior notice and opportunity for public comment otherwise required by the section. NOAA finds that prior notice and opportunity for public comment are unnecessary because the editorial changes made by this rule are non-substantive. The need to immediately correct the published headings for two in-text tables for this regulation will eliminate a potential source of confusion and constitutes good cause to waive the requirement to provide prior notice and opportunity for public

comment, as such procedures would be unnecessary and contrary to the public interest. Notice and comment is unnecessary because this action makes only minor, non-substantive changes to 50 CFR 300.65 to correct the headings of two tables. The rule does not make any substantive change in the rights and obligations of subsistence fishermen managed under the subsistence halibut regulations. No aspect of this action is controversial and no change in operating practices in the fishery is required.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Correction

■ Accordingly, the final rule, FR Doc. E8-22411, published on September 24, 2008, at 73 FR 54932, to be effective October 24, 2008, is corrected as follows:

■ 1a. In § 300.65, on pages 54940 and 54941, the headings to the table under paragraph (h)(1)(i) are corrected to read as follows:

§ 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.

(h) \* \* \*  
(1) \* \* \*  
(i) \* \* \*

Regulatory Area	Permit Type	Gear Restrictions
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\* \* \* \* \*

■ 1b. In § 300.65, on pages 54941 and 54942, the headings to the table under paragraph (h)(2) are corrected to read as follows:

§ 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.

(h) \* \* \*  
(2) \* \* \*

Regulatory Area	Permit Type	Retention Limits
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