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Part IV

Department of Commerce

Semiannual Regulatory Agenda

AUTHENTICATED
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DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Spring 2005 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866 entitled ''Regulatory Planning and Review'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Department), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2004 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's spring 2005 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2005, through March 31, 2006.

FOR FURTHER INFORMATION CONTACT: *Specific:* For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Daniel Cohen, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, D.C. 20230; telephone: 202-482-3151.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of February 4, 2005, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the Spring 2005 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda which contains 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. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries, which require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing can be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

The Department's spring 2005 regulatory agenda follows.

Jane T. Dana,
Acting General Counsel.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
294	Civil Monetary Penalties; Adjustment for Inflation	0690–AA34

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Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
295	Change in Reporting Requirements for BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate	0691–AA57
296	Change in Reporting Requirements for BE-11, Annual Survey of U.S. Direct Investment Abroad	0691–AA58
297	International Services Surveys: Cancellation of Five Annual Surveys	0691–AA59

Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
298	BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons	0691–AA51
299	Benchmark Survey of U.S. Direct Investment Abroad—2004	0691–AA52

Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
300	Cutoff Dates for Recognition of Boundary Changes for Census 2000 and for the Intercensal Period	0607–AA35
301	Mandatory Automated Export System (AES) Filing for Export Shipments Requiring Shipper's Export Declaration Information	0607–AA38
302	Requirement for Reporting the Kimberley Process Certificate Number for Exports (Reexports) of Rough Diamonds	0607–AA44

Bureau of the Census—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
303	Establishment of the 2010 Census Redistricting Program	0607–AA42

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
304	Economic Development Administration Regulations	0610–AA63

General Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
305	Federal Policy for the Protection of Human Subjects, Technical Amendments	0605–AA17

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
306	Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders	0625–AA51
307	Steel Import Monitoring and Analysis System	0625–AA64

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International Trade Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
308	Imports of Certain Worsted Wool Fabric: Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000	0625–AA67

International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
309	Import of Certain Worsted Wool Fabric: Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000	0625–AA58
310	Commercial Availability of Fabric and Yarn	0625–AA59
311	Proposed Amendment to Regulation Concerning Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings	0625–AA66

Bureau of Industry and Security—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
312	Export Administration Regulations: Clarifications to Deemed Export and Reexport Policy	0694–AD29

Bureau of Industry and Security—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
313	Short Supply Controls: Crude Oil Exports	0694–AC25
314	Additional Protocol Regulations	0694–AD26
315	Removal of License Exception GBS Eligibility for Certain Microwave Monolithic Integrated Circuit (MMIC) Power Amplifiers	0694–AD36

Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
316	Chemical Weapons Convention Regulations	0694–AB06
317	De Minimis Expansion of Eligibility: U.S.-Origin Software Incorporated Into Foreign-Made Commodities	0694–AC17
318	License Exception AVS: Cuba, Libya, and Serbia	0694–AC33
319	Clarifications to Part 753: Special Comprehensive License Requirements	0694–AC34
320	Removal of Licensing Exemption for Exports and Reexports of Missile Technology-Controlled Items Destined to Canada	0694–AC48
321	Export and Reexport Controls on Iraq	0694–AC84
322	Knowledge Definition, Safe Harbor, Red Flags	0694–AC94
323	Adding Systems, Including Cameras, Incorporating Non-Space Qualified Non-Linear (2-Dimensional), Infrared Focal Plane Arrays Based on Silicon (Including Silicon-Germanium) Microbolometer Materials	0694–AD06
324	Clarification of ''Space-Qualified'' Parts, Components, and Technology Subject to the Export Administration Regulations	0694–AD07
325	Revision of Export and Reexport Restrictions on Libya	0694–AD14
326	Amendments to the Export Administration Regulations (EAR) Implementing the ''Catch-All'' Provisions in the Australia Group (AG) ''Guidelines for Transfers of Sensitive Chemical or Biological Items''	0694–AD15
327	Cuba: Revisions of Personal Baggage Rules, Statement of Licensing Policy, and Modification of License Application Requirements	0694–AD23
328	Licensing Policy for Entities Sanctioned Under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau	0694–AD24

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Bureau of Industry and Security—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
329	License Exception GOV Exports and Reexports for Official IAEA International Inspection and Verification Use in Accordance With the U.S.-IAEA Safeguards Agreement, as Amended by the Additional Protocol	0694–AD27
330	Exports of Nuclear-Grade Graphite: Change in Licensing Jurisdiction	0694–AD28
331	Revisions and Clarifications to the Export Administration Regulations	0694–AD30
332	Clarification on License Exception Restrictions as Relating to Exports and Reexports of Crime Control and Detection Instrument Equipment, and Related Technology and Software	0694–AD33
333	Removal of Certain Night Vision Devices From Eligibility for License Exception APR for Reexports To, From, and Among Country Group A:1	0694–AD34
334	Expansion of the Country Scope of the License Requirements That Apply to Chemical/Biological (CB) Equipment and Related Technology; Amendments to CB-Related End-User/End-Use and U.S. Person Controls	0694–AD37
335	Removal of Advisory Notes	0694–AD39
336	Editorial Corrections to Part 730 of the Export Administration Regulations	0694–AD40
337	December 2004 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5 Part I (Telecommunications), 6, 7, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirement	0694–AD41
338	Entity List—India: Reduction in Scope of Items That Require a License for End-Users Subject to International Atomic Energy Agency (IAEA) Safeguards	0694–AD44
339	Technical Corrections to the Export Administration Regulations	0694–AD46
340	Revisions and Clarification of License Exception Availability for Certain Crime Control Items and Removal of License Requirements on Other Crime Control Items	0694–AD47
341	Revision of Telephone Numbers, Addresses, and Nomenclature Change and Removal of Redundant Reporting Requirement	0694–AD48
342	Revisions to the Import Certificate Requirements in the Export Administration Regulations	0694–AD50

Bureau of Industry and Security—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
343	Export Administration Regulations: Support Documentation	0694–AC04
344	Exports and Reexports to Sudan	0694–AC05
345	Expansion of License Exception GOV; Exports and Reexports to International Organizations	0694–AC15
346	Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications via BIS's Simplified Network Application Process (SNAP)	0694–AC20
347	Revision to the Export Administration Regulations: Replacement Licenses	0694–AC23
348	Chemical Weapons Convention: Revisions to the Export Administration Regulations	0694–AC35
349	Implementation of General Order No. 3 and Deletion of General Order No. 1	0694–AC47
350	License Exception APR for Reexports To, From, and Among Countries in Country Group A:1	0694–AC69
351	Revisions to License Exception TSR: Expansion to Scope of Eligible Countries	0694–AC71
352	Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the United States Munitions List	0694–AC74
353	Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices	0694–AC82
354	Export Administration Regulations: Removal of Country Groups	0694–AD09
355	Implementation of the Wassenaar Arrangement Statement of Understanding on the Control of Non-Listed Dual-Use Items	0694–AD10
356	Export Administration Regulations: Establish Special Intra-Company License (SIL)	0694–AD22
357	Restrictions on Exports and Reexports to China (and Transfers Within China) of Certain Items Intended for Military End-Uses	0694–AD49

Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identifier Number
358	Revisions to the Export Administrative Regulations: Removal of the List of Missile Projects From Certain Country Groups and Revisions to Missile Controls	0694–AC46
359	License Application Denial Policy, "Red Flag" Indicators of Possible Inappropriate End-Use, End-User, or Destination	0694–AC68

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Bureau of Industry and Security—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
360	Revisions to the Export Administration Regulations: Missile Technology Production Equipment and Facilities Controlled Under ECCNs 9B115 and 9B116	0694–AC93
361	Termination of Certain Emergencies With Respect to Yugoslavia and Related Removal of Restrictions on Transactions With Persons Identified by the Bracketed Initials (FRYM) Under the Export Admin. Regs.	0694–AC98
362	Expansion of Availability of License Exception CIV for Certain Deemed Exports of Microprocessor Technology; and Establishment of ''Foreign National Review'' Support Statement for Deemed Exports	0694–AD04
363	Revision of Licensees' Responsibility To Communicate License Conditions	0694–AD05
364	Revisions and Clarifications to the Export Administration Regulations	0694–AD08
365	Revisions to Export Administration Regulations as a Result of Membership Expansion of North Atlantic Treaty Organization (NATO)	0694–AD11
366	Entity List: Removal of Four Russian Entities	0694–AD12
367	India: Removal of Indian Entity and Revision in License Review Policy for Certain Indian Entities and a Clarification	0694–AD13
368	Revision of Export Control Classification Number (ECCN) 2B351 To Conform With the Australia Group (AG) ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology''	0694–AD16
369	Expansion of Computer Technology and Software Eligible for Export or Reexport Under License Exception CTP; and Establishment of ''Foreign National Review'' Procedure Under License Exception CTP	0694–AD18
370	Encryption Export and Reexport Controls Revisions	0694–AD19
371	Implementation of the Understandings Reached at the June 2004 Australia Group (AG) Plenary Meeting; Clarifications to the Scope of ECCNs 1A004, 1A995, and 2B351	0694–AD25
372	Nomenclature Change: References to Another Agency	0694–AD31
373	Technical Corrections to the Export Administration Regulations	0694–AD32
374	Defense Priorities and Allocations System: Electronic Transmission of Reasons for Rejecting Rated Orders	0694–AD35
375	Revision of License Exception TMP for Activities by Organizations Working To Relieve Human Suffering in Sudan	0694–AD38
376	Revisions to the Export Administration Regulations Based on the 2004 Missile Technology Control Regime Plenary Agreements; Additions to the Entity List; Revisions to the Missile Catch-All Controls	0694–AD42
377	Denied Persons and Specially Designated Nationals	0694–AD43

National Institute of Standards and Technology—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
378	Draft Federal Information Processing Standard (FIPS) 201, Personal Identification Verification for Federal Employees and Contractors	0693–AB54

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
379	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission	0648–AT31

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
380	Amendment 12 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region	0648–AL67
381	Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region	0648–AM98
382	Amendment 18A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–AN09
383	Measures to Prevent or Mitigate and Conserve, Manage, and Allow Full Utilization of Sharks	0648–AN76
384	Regulatory Amendment Modifying the Gulf of Mexico BRD Framework Under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP)	0648–AN84
385	Revision of American Lobster Regulations for the EEZ	0648–AP18

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National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
386	Regulatory Amendment To Implement Permit Stacking in the Limited-Entry Fixed-Gear Sablefish Fishery in 2005 and Beyond	0648–AP38
387	Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean	0648–AP51
388	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9	0648–AP60
389	Implementation of the Regulatory Changes Resulting From the Amendments and Extension of the South Pacific Tuna Act	0648–AP61
390	Amendment 71A to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area	0648–AP67
391	Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs	0648–AQ20
392	Fisheries of the United States; National Standard 1	0648–AQ63
393	Amendment 1 to the Atlantic Herring Fishery Management Plan	0648–AQ87
394	Turtle Mitigation for Non-Hawaii-Based Pelagic Longline and Non-Longline Vessels	0648–AQ91
395	Amendment 62 to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska and Amendment 62 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area	0648–AR06
396	Regulatory Rulemaking To Revise Accounting for Externally Tagged Halibut	0648–AR09
397	Catcher Vessel Electronic Report	0648–AR30
398	Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations	0648–AR33
399	Amendment 13B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region	0648–AR38
400	Atlantic Highly Migratory Species; Amendments to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks and the Fishery Management Plan for Atlantic Billfish	0648–AR60
401	Full Retention and Monitoring Program in the Shorebased Pacific Whiting Fishery	0648–AR63
402	Amendment 8 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region	0648–AR65
403	Regulatory Amendment to Add and Revise Certain Species Codes in 50 CFR 679	0648–AR67
404	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648–AR72
405	Revisions To Revise the Definitions of Exempted Fishing and Scientific Research	0648–AR78
406	Gear Identification Markings on Buoys	0648–AR90
407	Fish and Seafood Promotion Act	0648–AS09
408	Community Development Quota Regulatory Amendment to Modify Several Fishery Management Elements of the CDQ Program	0648–AS13
409	Amendment 13 to Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters	0648–AS15
410	Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region	0648–AS16
411	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery	0648–AS22
412	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery	0648–AS25
413	Regulatory Amendment To Establish Measures Authorizing the Optional Use of Electronic Logbook Forms in the Western Pacific Fisheries	0648–AS29
414	Measures To Reduce Interactions With Seabirds in the Hawaii-Based Longline Fishery	0648–AS30
415	Amendment 6 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region	0648–AS31
416	Framework 1 to the Red Crab Fishery Management Plan	0648–AS35
417	Fee System for Repayment of the Loan to Harvesters of Pacific Groundfish Fishery and California, Washington, and Oregon Fisheries for Dungeness Crab and Pink Shrimp	0648–AS38
418	Fee System for Repayment of the Loan to Harvestors of Bering Sea/Aleutian Islands King and Tanner Crabs	0648–AS46
419	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes	0648–AS49
420	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel	0648–AS59
421	Establish Management Measures for the Commonwealth of the Northern Mariana Islands Bottomfish Fishery Under the Western Pacific Bottomfish and Seamount Groundfish FMP	0648–AS63
422	Revise Precious Coral Measures To Increase the Protection of Black Coral Resources in Hawaii	0648–AS64
423	Generic Amendment to Provide for Regulations of Offshore Aquaculture of Selected Fish	0648–AS65
424	Generic Amendment for Addressing Essential Fish Habitat Requirements, Habitat Areas of Particular Concern, and Gear Restrictions for All Fishery Management Plans of the Gulf of Mexico	0648–AS66
425	Amendment 25 to the Reef Fish Fishery Management Plan for the Reef Fish Resources in the Gulf of Mexico	0648–AS68
426	Amendment 24 to the Reef Fish Fishery Management Plan for the Reef Fish Resources in the Gulf of Mexico	0648–AS69
427	Amendment 17 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic	0648–AS70
428	Establish Management Measures for the Western Pacific Squid Fishery	0648–AS71
429	Amendment to Regulations Implementing the Antarctic Marine Living Resources Convention Act of 1984	0648–AS75
430	Individual Fishing Quota Program; Restructure Date-Specific Quota Share Regulations	0648–AS77
431	Correct and Clarify Amendment 13 to the Northeast Multispecies Fishery Management Plan	0648–AS80

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National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
432	Halibut and Sablefish IFQ Program Amendments	0648–AS84
433	FMP for the Scallop Fishery Off Alaska Amendment 10	0648–AS90
434	Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 14; Essential Fish Habitat (EFH) Descriptions for Pacific Salmon	0648–AS96
435	Area 4C/4D Selective IFQ/CDQ Boundary Permeability	0648–AT03
436	Amendment 79 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area Establishing a Groundfish Retention Standard	0648–AT04
437	Framework Adjustment 41 to the Northeast Multispecies Fishery Management Plan	0648–AT08
438	Identify and Manage Alaska Fishery Management Plans for EFH and HAPC	0648–AT09
439	Framework Adjustment 17 to the Atlantic Sea Scallop Fishery Management Plan	0648–AT10
440	Amendment 11 to the Coastal Pelagic Species Fishery Management Plan	0648–AT11
441	Regulatory Amendment to the Reef Fish Management Plan To Set Red Grouper TAC and Shallow-Water Grouper Management Measures for the 2006-2008 Seasons	0648–AT12
442	Transfer of Management Authority for the Atlantic Coast Red Drum Resource From the South	0648–AT13
443	Specifications for the 2006 Atlantic Mackerel, Squid, and Butterfish Fisheries	0648–AT19
444	Specifications for the 2006 Atlantic Bluefish Fishery	0648–AT20
445	Specifications for the 2006 Atlantic Herring Fishery	0648–AT21
446	Specifications for the 2006 Monkfish Fishery	0648–AT22
447	Framework 42 to the Northeast Multispecies Fishery	0648–AT24
448	Framework 18 to the Atlantic Sea Scallop Fishery	0648–AT25
449	Framework 16 to the Summer Flounder, Scup, and Black Sea Bass Fisheries	0648–AT26
450	Specifications for the 2006 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries	0648–AT27
451	Specifications for the 2006 Recreational Fisheries for Summer Flounder, Scup, and Black Sea Bass	0648–AT28
452	Framework 1 to the Spiny Dogfish Fishery	0648–AT29
453	West Coast Highly Migratory Species, Correcting Amendment	0648–AT32
454	Restrictions for 2005 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean	0648–AT33
455	Limited Entry Program for Longline and Drift Gillnet Vessels	0648–AT35
456	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental To Conducting Oil and Gas Exploration Activities in the Gulf of Mexico	0648–AQ71
457	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations	0648–AS01
458	Right Whale Ship Strike Reduction	0648–AS36
459	Sea Turtle Requirements for Commercial Scallop Fishing	0648–AS92
460	Taking Marine Mammals Incidental to Operation of Offshore Oil Production Facilities in Beaufort Sea	0648–AS98
461	Proposed Threatened Status for Southern Distinct Population Segment of North American Green Sturgeon	0648–AT02
462	Northwest Hawaiian Islands National Marine Sanctuary; Designation and Implementation of Regulations	0648–AS83
463	Gulf of the Farallones National Marine Sanctuary Management Plan Review	0648–AT14
464	Monetary Bay National Marine Sanctuary Management Plan Review	0648–AT15
465	Channel Islands National Marine Sanctuary Management Plan Review	0648–AT17
466	Consideration of Marine Reserves and Marine Conservation Areas Within the Channel Islands National Marine Sanctuary	0648–AT18
467	Licensing of Private Land Remote-Sensing Space Systems	0648–AT00
468	Cordell Bank National Marine Sanctuary Management Plan Review	0648–AT16

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
469	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery	0648–AK26
470	Proposed Highly Migratory Species Process	0648–AK40
471	Amendment 2 to Monkfish Fishery Management Plan	0648–AQ25
472	Atlantic Highly Migratory Species: Billfish and Swordfish Recreational Fishing	0648–AQ65
473	Amendment 11 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (American Samoa Longline Limited Access Permit Program)	0648–AQ92
474	CDQ Transfer, Eligible Vessels, and Fishing Plan Regulations	0648–AS00
475	Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine	0648–AS17

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National Oceanic and Atmospheric Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
476	Amendment 23 to the Reef Fish Fishery Management Plan To Set Vermilion Snapper Sustainable Fisheries Act Targets and Thresholds and To Establish a Plan To End Overfishing and Rebuild the Stock	0648–AS19
477	Annual Recreational Specifications for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2005	0648–AS21
478	Specifications for the 2005 Fishing Year for the Atlantic Herring Fishery	0648–AS23
479	Specifications for the Spiny Dogfish Fishery for Fishing Year 2005	0648–AS24
480	Framework 40B to the Northeast Multispecies Fishery Management Plan	0648–AS33
481	Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs—Crab Rationalization Program	0648–AS47
482	Amendment Number 15 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Region	0648–AS53
483	2005-2006 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648–AS58
484	Annual Adjustment to Measures for the Monkfish Fishery for the 2005 Fishing Year	0648–AS72
485	Adjustment of Quota Overages in the U.S./Canada Area	0648–AS74
486	List of Fisheries for 2005	0648–AS78
487	Seafood Dealer Reporting and Recordkeeping Requirements	0648–AS87
488	Correction to Final Rule for Highly Migratory Species Fishery Management Plan	0648–AS89
489	Atlantic Highly Migratory Species (HMS); 2005 Bluefin Tuna Quota Specifications and Effort Controls	0648–AT01
490	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures	0648–AT07
491	2006-2007 Management Measures for Commercial, Recreational, and Treaty Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648–AT34
492	Hydropower/Mandatory Conditions Review Process (MCRP) Rule	0648–AS55
493	Provide Regulations for Permits for Capture, Transport, Import, and Export of Protected Species for Public Display, and for Maintaining a Captive Marine Mammal Inventory	0648–AH26
494	Designate Critical Habitat for 7 Evolutionarily Significant Units (ESUs) of Pacific Salmon and Steelhead in California	0648–AO04
495	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives	0648–AO16
496	Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska	0648–AP62
497	Designate Critical Habitat for 13 Evolutionarily Significant Units (ESUs) of Pacific Salmon and Steelhead in Washington, Oregon and Idaho	0648–AQ77
498	Regulations Implementing the Bottlenose Dolphin Take Reduction Plan	0648–AR39
499	Listing Determinations for 27 Evolutionarily Significant Units (ESUs) of West Coast Salmon and Oncorhynchus Mykiss	0648–AR93
500	Taking Marine Mammals Incidental to Navy Operation	0648–AR99
501	Threatened Status for Southern Resident Killer Whales	0648–AS95
502	Atlantic Highly Migratory Species; Lifting Trade Restrictive Measures	0648–AT05
503	Civil Procedures Governing Prosecution and Administrative Proceedings	0648–AS54
504	Sea Turtle Conservation; Exceptions to Taking Prohibitions for Endangered Sea Turtles	0648–AS57
505	Gray's Reef National Marine Sanctuary	0648–AQ41
506	Certification Requirements for NOAA Electronic Navigational Chart Distribution	0648–AR87

National Oceanic and Atmospheric Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
507	Amendment 22 to the Reef Fish Fishery Management Plan	0648–AP02
508	Regulatory Amendment to Section 679 Permits or Permit-Related Issues	0648–AQ07
509	Individual Fishing Quota for Guided Recreational Charter Halibut Fishery	0648–AR96
510	Amendment 26 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico to Establish a Red Snapper Individual Fishing Quota Program	0648–AS67
511	Commercial Grouper Fishery of the Gulf of Mexico; Establishment of a Control Date	0648–AS88
512	Changes to Regulations Governing the Observer Communications System	0648–AS93
513	North Atlantic Whale Protection	0648–AM85
514	Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild	0648–AN43
515	Procedural Changes to the Federal Consistency Process	0648–AP98
516	Coastal Zone Management Act Federal Consistency Regulations	0648–AR16

DOC

National Oceanic and Atmospheric Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
517	Regional Marine Research Program	0648–AF20

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
518	Adjustment of Management Program: Bottomfish Fisheries in the Hawaiian Islands—Commonwealth of Northern Mariana Islands	0648–AK82
519	Full Retention of Demersal Shelf Rockfish in Gulf of Alaska Area 650	0648–AP73
520	Atlantic Highly Migratory Species (HMS); Bigeye Tuna and Swordfish Trade Statistical Document Programs	0648–AQ37
521	Atlantic Highly Migratory Species; Atlantic Swordfish Quotas	0648–AQ90
522	Atlantic Highly Migratory Species; Trade Restrictive Measures	0648–AR10
523	Framework 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery	0648–AR50
524	Annual Specifications for Fishing Year 2005 for the Summer Flounder, Scup, and Black Sea Bass Fishery	0648–AR51
525	Annual Specifications for the Surf Clam and Ocean Quahog Fishery for Fishing Year 2005-2007	0648–AR52
526	Framework 16 to the Atlantic Sea Scallop Fishery Management Plan and Framework Adjustment 39 to the Northeast Multispecies Fishery Management Plan	0648–AR55
527	Annual Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery for Fishing Year 2005	0648–AR56
528	Annual Specifications for the Atlantic Bluefish Fishery for Fishing Year 2005	0648–AR57
529	Annual Specifications for the Deep-Sea Red Crab Fishery for Fishing Year 2005	0648–AR59
530	Atlantic Highly Migratory Species (HMS); Amendment 2 to the Atlantic Billfish Fishery Management Plan	0648–AR61
531	Consideration of Revision to Essential Fish Habitat (EFH) Guidelines (50 CFR Part 600)	0648–AR76
532	Amendment 48 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands and Gulf of Alaska	0648–AR77
533	Atlantic Highly Migratory Species (HMS); 2004 Bluefin Tuna Quota Specifications and General Category Effort Controls	0648–AR86
534	Halibut Subsistence II	0648–AR88
535	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel	0648–AR97
536	Atlantic Highly Migratory Species; Atlantic Shark Commercial Management Measures	0648–AS08
537	Eastern Pacific Tuna Controls	0648–AS18
538	Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures	0648–AS27
539	Request for Research Proposals Supported Under a Research Set-Aside Program for Fishing Year 2006	0648–AS32
540	Framework 40A to the Northeast Multispecies Fishery Management Plan	0648–AS34
541	Amendment 82 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area	0648–AS37
542	Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean	0648–AS39
543	Gulf of Alaska Steller Sea Lion Protection Measures Revisions	0648–AS41
544	Reorganize, by Redesignation, the Fishing Capacity Reduction Program (FCRP) Regulations and FCRP Fee System Regulations	0648–AS44
545	Seasonal Closure of Grammanik Bank	0648–AS56
546	Revisions to the Pacific Halibut Catch Sharing Plan for 2005 and Beyond	0648–AS61
547	Framework Adjustment 1 to the Red Crab Fishery Management Plan	0648–AS73
548	Clarify the Days-at-Sea (DAS) Baseline Allocation Procedure Implemented in Amendment 13 to the Northeast Multispecies Fishery Management Plan	0648–AS81
549	Notice of Control Date for the Purpose of Limiting Entry to the General Category Fishery; Atlantic Sea Scallop Fishery Management Plan (FMP)	0648–AS82
550	Emergency Rule To Implement a Trip Limit for the Commercial Grouper Fishery in the Gulf of Mexico for 2005	0648–AS97
551	Emergency Rule To Reopen Application Process for Charter Vessel and Headboat Permit Moratorium in Gulf of Mexico	0648–AS99
552	Annual Management Measures for the International Pacific Halibut Commission Pacific Halibut Annual Management Measures	0648–AT06
553	Endangered and Threatened Species: Permit Exemptions	0648–AO37
554	Atlantic Large Whale 2002 Seasonal Area Management (SAM) Program	0648–AP68
555	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP)	0648–AS05

DOC

National Oceanic and Atmospheric Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
556	Taking and Importing Marine Mammals: Military Readiness Activities and Scientific Research Activities Conducted by or on Behalf of the Federal Government	0648–AS06
557	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean	0648–AS45
558	Regulations Governing the Approach to North Atlantic Right Whales	0648–AS76
559	Sea Turtle Requirements for Commercial Shrimp Fishing	0648–AS79
560	Sea Turtle Requirements for Commercial Shrimp Fishing	0648–AS91
561	Technical Revisions to Right Whale Listing Under the Endangered Species Act	0648–AS94
562	Revision of Overflight Regulations	0648–AI91
563	Interagency Consultation for the National Marine Sanctuary Program	0648–AL06
564	Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries	0648–AO36
565	Quality Assurance Program for Hydrographic Products	0648–AS50

National Telecommunications and Information Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
566	Repeal of Mandatory Reimbursement Rules for Frequency Band or Geographic Relocation of Federal Spectrum-Dependent Systems	0660–AA15

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
567	Changes to Representation of Others Before the United States Patent and Trademark Office	0651–AB55
568	Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board	0651–AB56
569	Revision of Ex Parte and Inter Partes Reexamination Practice	0651–AB77
570	Changes To Implement the Refund Provisions of the United States Patent and Trademark Fee Modernization Act of 2004	0651–AB79
571	Revision of Patent and Trademark Fees for Fiscal Year 2006	0651–AB81
572	Revision of Signature and Power of Attorney Provisions To Provide for Persons Granted Limited Recognition To Prosecute Applications and Other Miscellaneous Matters	0651–AB85
573	Requirements To Receive a Reduced Fee for Filing an Application Through the Trademark Electronic Application System	0651–AB88
574	Amendment of Trademark Rules of Practice	0651–AB89
575	Amendment of Rules for Filing Intent To Use Documents in Section 1(b) Applications	0651–AB90

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
576	Revision of Search and Examination Fees for Patent Cooperation Treaty Applications Entering the National Stage in the United States	0651–AB84

Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
577	Changes To Implement Priority Application Exchange Between Intellectual Property Offices	0651–AB75
578	Changes To Implement the Cooperative Research and Technology Enhancement (CREATE) Act of 2004	0651–AB76

DOC

Patent and Trademark Office—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
579	Changes to the Practice for Handling Patent Applications Filed Without the Appropriate Fees	0651–AB87

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
580	Changes To Implement the Patent Fee Related Provisions of the Consolidated Appropriations Act, 2005	0651–AB54
581	Fast Track Examination	0651–AB62
582	Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan	0651–AB64
583	Changes in Fees for Filing Applications for Trademark Registration	0651–AB83
584	Correspondence with the United States Patent and Trademark Office	0651–AB86

Technology Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
585	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements	0692–AA14
586	Acquisition and Protection of Foreign Rights in Inventions	0692–AA15
587	Licensing of Government-Owned Inventions	0692–AA19

Department of Commerce (DOC) — Completed Actions

Office of the Secretary (OS)

294. • CIVIL MONETARY PENALTIES; ADJUSTMENT FOR INFLATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 101–410; PL 104–134

CFR Citation: 15 CFR 6

Legal Deadline: None

Abstract: This final rule is being issued to adjust each civil monetary penalty provided by law within the jurisdiction of the Department of Commerce (the Department). The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, required the head of each agency to adjust its civil monetary penalties (CMP) for inflation no later than October 23, 1996, and requires them to make adjustments at least once every four years thereafter. These inflation adjustments will apply only to violations that occur after the effective date of this rule.

Timetable:

Action	Date	FR Cite
Final Action	12/14/04	69 FR 74416
Final Action Effective	12/14/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Peter Robbins, Attorney Advisor, Department of Commerce, Office of the Secretary, HCHB Room 5876, Office of the General Counsel, 15th & Pennsylvania Avenue, NW., Washington, DC 20230
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RIN: 0690–AA34

Department of Commerce (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

295. CHANGE IN REPORTING REQUIREMENTS FOR BE–577, DIRECT TRANSACTIONS OF U.S. REPORTER WITH FOREIGN AFFILIATE

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 3101 to 3108

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action would amend existing rule 15 CFR 806.14 to change the reporting requirements for the BE-577, Direct Transactions of U.S. Reporter with Foreign Affiliate, and to bring the survey into conformity with the BE-10, Benchmark Survey of U.S. Direct Investment Abroad-2004.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	
Final Action	04/00/06	
Final Action Effective	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE–50, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0691–AA57

296. CHANGE IN REPORTING REQUIREMENTS FOR BE–11, ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 3101 to 3108

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action would amend existing rule 15 CFR 806.14 to change the reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad, and to bring the survey into conformity with the BE-10, Benchmark Survey of U.S. Direct Investment Abroad-2004.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	
Final Action	12/00/06	
Final Action Effective	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE–50, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0691–AA58

297. • INTERNATIONAL SERVICES SURVEYS: CANCELLATION OF FIVE ANNUAL SURVEYS

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 3101 to 3108

CFR Citation: 15 CFR 801.9

Legal Deadline: None

Abstract: This action amends 15 CFR part 801 by revising section 801.9(b) to remove the reporting requirements for five annual surveys that collect data covering international trade in services. These surveys have been replaced by quarterly surveys that collect essentially the same information.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	
Final Action	08/00/05	
Final Action Effective	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE–50, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0691–AA59

Department of Commerce (DOC)
Bureau of Economic Analysis (BEA)

Completed Actions

298. BE–80, BENCHMARK SURVEY OF FINANCIAL SERVICES TRANSACTIONS BETWEEN U.S. FINANCIAL SERVICES PROVIDERS AND UNAFFILIATED FOREIGN PERSONS

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 3101 to 3108

CFR Citation: 15 CFR 801

Legal Deadline: None

Abstract: This action would amend existing rule 15 CFR 801.11 to provide for the conduct of the BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons - 2004, as required in the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for 1999, which has been completed and which the new survey will update.

Timetable:

Action	Date	FR Cite
NPRM	08/27/04	69 FR 52613
NPRM Comment Period End	10/26/04	
Final Action	11/30/04	69 FR 69508
Final Action Effective	12/30/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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DOC—BEA

Completed Actions

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RIN: 0691–AA51

299. BENCHMARK SURVEY OF U.S. DIRECT INVESTMENT ABROAD – 2004

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 3101 to 3108

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action would amend existing rule 15 CFR 806.16 to provide for the conduct of the BE-10, Benchmark Survey of U.S. Direct Investment Abroad - 2004, as required in the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for 1999 which has been completed and which the new survey will update.

Timetable:

Action	Date	FR Cite
NPRM	08/17/04	69 FR 51020
NPRM Comment Period End	10/18/04	
Final Action	12/07/04	69 FR 70543
Final Action Effective	01/06/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE–50, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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Fax: 202 606–5318
Email: obie.whichard@bea.gov

RIN: 0691–AA52

Department of Commerce (DOC)
Bureau of the Census (CENSUS)

Final Rule Stage

300. CUTOFF DATES FOR RECOGNITION OF BOUNDARY CHANGES FOR CENSUS 2000 AND FOR THE INTERCENSAL PERIOD

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553(b)(3)(A); 5 USC 604(a); 44 USC 35

CFR Citation: 15 CFR 70

Legal Deadline: None

Abstract: The Bureau of the Census (Census Bureau) is establishing cutoff dates for recognition of boundary changes to geographic entities for which the Census Bureau reports data in various surveys, estimates, censuses, programs, compilations, and publications throughout the period between decennial censuses (years 2001 through 2009).

Timetable:

Action	Date	FR Cite
NPRM	01/25/02	67 FR 3631
NPRM Comment Period End	02/25/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Robert La Macchia, Chief, Geography Division, Department of Commerce, Bureau of the Census, Stop 7400, Washington Plaza, Room 651, 4700 Silver Hill Road, Washington, DC 20233
Phone: 301 763–1022

RIN: 0607–AA35

301. MANDATORY AUTOMATED EXPORT SYSTEM (AES) FILING FOR EXPORT SHIPMENTS REQUIRING SHIPPER'S EXPORT DECLARATION INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–228, sec 1404

CFR Citation: 15 CFR 30

Legal Deadline: None

Abstract: The Bureau of the Census is amending the Foreign Trade Statistics Regulations to require mandatory filing through the Automated Export System (AES) of all export information for shipments where filing of a Shipper's Export Declaration was formerly required. The AES is an electronic method by which export information is transmitted. This amendment will specify the provisions and filing responsibilities of parties exporting commodities from the United States.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/03	68 FR 60301
ANPRM Comment Period End	11/21/03	
NPRM	02/17/05	70 FR 8200
NPRM Comment Period End	04/18/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephanie Dunlap, Regulations, Outreach, & Education Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 3125, 4700 Silver Hill Road, FB–3, Washington, DC 20233
Phone: 301 763–2238
Fax: 301 457–3765
Email: stephanie.b.dunlap@census.gov

Related RIN: Related to 0607–AA29, Related to 0607–AA31, Related to 0607–AA30

RIN: 0607–AA38

302. ● REQUIREMENT FOR REPORTING THE KIMBERLEY PROCESS CERTIFICATE NUMBER FOR EXPORTS (REEXPORTS) OF ROUGH DIAMONDS

Priority: Substantive, Nonsignificant

Legal Authority: 13 USC 301; 13 USC 302

CFR Citation: 15 CFR 30

Legal Deadline: None

Abstract: The U.S. Census Bureau (Census Bureau) is amending the Foreign Trade Statistics Regulations (FTSR) to incorporate the requirement for reporting the Kimberley Process Certificate (KPC) number for the exports (reexports) of rough diamonds filed through the Automated Export System (AES) in accordance with the Kimberley Process Certification Scheme (Kimberley Process) in the United States. This rule is issued to carry out

DOC—CENSUS

Final Rule Stage

the purposes of Executive Order 13312 of July 29, 2003, which implemented the Clean Diamond Trade Act and the Kimberley Process.

Timetable:

Action	Date	FR Cite
NPRM	01/12/05	70 FR 2072
NPRM Comment Period End	02/11/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: C. Harvey Monk Jr., Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, 4700 Silver Hill Road FB–3, Room 2104, Washington, DC 20233
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Fax: 301–457–2645
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RIN: 0607–AA44

Department of Commerce (DOC)
Bureau of the Census (CENSUS)

Long-Term Actions

303. ESTABLISHMENT OF THE 2010 CENSUS REDISTRICTING PROGRAM

Priority: Other Significant

CFR Citation: None

Timetable:

Action	Date	FR Cite
Notice	05/13/04	69 FR 26547
Notice	02/15/05	70 FR 7713
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

Agency Contact: Catherine C. McCully
Phone: 301 763–4039

RIN: 0607–AA42

Department of Commerce (DOC)
Economic Development Administration (EDA)

Final Rule Stage

304. ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS

Priority: Other Significant

Legal Authority: 42 USC 3121 et seq; 19 USC 3121 et seq; 42 USC 6701; 42 USC 184; 42 USC 5141; 42 USC 3123; 42 USC 6709; 42 USC 6101; 20 USC 1681; 29 USC 794; 42 USC 2000d–1; . . .

CFR Citation: 13 CFR 300 to 318

Legal Deadline: None

Abstract: The Economic Development Administration will be reviewing and reissuing all regulations in order to make them more user-friendly and effective, and in order to more directly align them with the reissued version of the Public Works and Economic Development Act of 1965, currently before Congress. EDA plans to have the regulations drafted within three months of reauthorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Hina Shaikh, Attorney Advisor, Department of Commerce, Economic Development Administration, Office of the Chief Counsel, 1401 Constitution Ave., NW, Washington, DC 20230
Phone: 202 482–4687

RIN: 0610–AA63

Department of Commerce (DOC)
General Administration (ADMIN)

Long-Term Actions

305. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS, TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 27

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0605–AA17

Department of Commerce (DOC) — Final Rule Stage
International Trade Administration (ITA)

306. PROCEDURES FOR CONDUCTING FIVE–YEAR (SUNSET) REVIEWS OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 1671 et seq; 19 USC 1673 et seq; 19 USC 1303

CFR Citation: 19 CFR 351

Legal Deadline: None

Abstract: On May 19, 1997 (62 FR 27296), the Department of Commerce (the Department) published final rules on, inter alia, procedures for conducting antidumping and countervailing duty proceedings to conform the Department's existing regulations to the Uruguay Round Agreements Act (URAA). Although these regulations contain provisions on the conduct of sunset reviews, the Department is planning to amend the regulations to provide more guidance on the procedures for conducting sunset reviews. Specifically, the Department proposes to amend the procedural regulations for participation in, and conduct of, sunset reviews to add two definitions to provide shorthand expressions for 120-day and 240-day sunset reviews; provide deadlines for certain submissions; clarify the information to be provided by parties participating in a sunset review; clarify when the Department will conduct a 120-day or a 240-day sunset review; and provide time limits for actions to be taken by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/98	63 FR 13516
Interim Final Rule Effective	03/20/98	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Stacy Ettinger, Attorney, Department of Commerce, International Trade Administration, Room 3828, 14th & Pennsylvania Ave., N.W., Washington, DC 20230
Phone: 202 482–4618

RIN: 0625–AA51

307. STEEL IMPORT MONITORING AND ANALYSIS SYSTEM

Priority: Other Significant

Legal Authority: 13 USC 301(a); 13 USC 302

CFR Citation: 19 CFR 360

Legal Deadline: None

Abstract: The Department of Commerce amends its regulations to enhance the steel import monitoring and analysis system. The Department is seeking to improve the system in order to provide the public with accurate and timely information on imports of certain steel products.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/04	69 FR 52211
NPRM	03/11/05	70 FR 12133
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Agency Contact: Julie Al–Saadawi, Department of Commerce, International Trade Administration, 14th & Constitution Ave., NW, Room 3713, Washington, DC 20230
Phone: 202 482–1930

RIN: 0625–AA64

308. • IMPORTS OF CERTAIN WORSTED WOOL FABRIC: IMPLEMENTATION OF TARIFF RATE QUOTA ESTABLISHED UNDER TITLE V OF THE TRADE AND DEVELOPMENT ACT OF 2000

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–429

CFR Citation: 15 CFR 335; 15 CFR 340

Legal Deadline: None

Abstract: The Department of Commerce amends its regulation to implement the amendment to the Trade Act included in the Miscellaneous Trade Act of 2004 (Public Law 108-429). Principally, this rule amends the regulations to specify which HTS categories may be allocated as TRQs and to eliminate Commerce's authority to modify these quotas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sergio Botero, Industry Economist, Department of Commerce, International Trade Administration, HCHB Room 3119, Office of Textiles and Apparel, 14th and Constitution Avenue NW., Washington, DC 20230
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RIN: 0625–AA67

Department of Commerce (DOC) — Long-Term Actions
International Trade Administration (ITA)

309. IMPORT OF CERTAIN WORSTED WOOL FABRIC: IMPLEMENTATION OF TARIFF RATE QUOTA ESTABLISHED UNDER TITLE V OF THE TRADE AND DEVELOPMENT ACT OF 2000

Priority: Other Significant

CFR Citation: 15 CFR 335; 15 CFR 340

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/22/01	66 FR 6459
Interim Final Rule Comment Period End	03/23/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Sergio Botero
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RIN: 0625–AA58

310. COMMERCIAL AVAILABILITY OF FABRIC AND YARN

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 345

DOC—ITA

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Janet Heinzen
Phone: 202 482–4006

RIN: 0625–AA59

311. PROPOSED AMENDMENT TO REGULATION CONCERNING CERTIFICATION OF FACTUAL INFORMATION TO IMPORT ADMINISTRATION DURING ANTIDUMPING AND COUNTERVAILING DUTY PROCEEDINGS

Priority: Substantive, Nonsignificant

CFR Citation: 19 CFR 351

Timetable:

Action	Date	FR Cite
NPRM	09/22/04	69 FR 56738
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0625–AA66

Department of Commerce (DOC)
Bureau of Industry and Security (BIS)

Prerule Stage

312. EXPORT ADMINISTRATION REGULATIONS: CLARIFICATIONS TO DEEMED EXPORT AND REEXPORT POLICY

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 1701; 50 USC 2401; EO 12938; EO 13020; . . .

CFR Citation: 15 CFR 734; 15 CFR 772

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is reviewing the recommendations contained in the U.S. Department of Commerce Office of Inspector General Report entitled ''Deemed Export Controls May Not Stop the Transfer of Sensitive Technology to Foreign Nationals in the U.S.'' (Final Inspection Report No, IPE-16176-March 2004). Certain of these recommendations would require regulatory changes that would affect existing requirements and policies for deemed export licenses. BIS is seeking comments on how these revisions would affect industry, the academic community, and U.S. Government agencies involved in research.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD29

Department of Commerce (DOC)
Bureau of Industry and Security (BIS)

Proposed Rule Stage

313. SHORT SUPPLY CONTROLS: CRUDE OIL EXPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 7420, 7430(e); 30 USC 185(s), 185(u); 42 USC 6212; 43 USC 1354

CFR Citation: 15 CFR 750; 15 CFR 754

Legal Deadline: None

Abstract: The Bureau of Industry and Security is amending the short supply provisions of the Export Administration Regulations to revise the restrictions on exports of crude oil.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0694–AC25

314. ADDITIONAL PROTOCOL REGULATIONS

Priority: Other Significant

Legal Authority: 22 USC 6701; 50 USC 1601; 50 USC 1701; EO 13128; EO 12938; EO 13094; . . .

CFR Citation: 15 CFR 781; 15 CFR 782; 15 CFR 783; 15 CFR 784; 15 CFR 785; 15 CFR 786; 15 CFR 787; 15 CFR 788

Legal Deadline: None

Abstract: Following ratification by the United States of the Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America (AP or Protocol), the Bureau of Industry and Security (BIS) proposes to establish the Additional Protocol Regulations (APR) to implement the provisions of the Protocol affecting U.S. industry and other U.S. persons.

In the aftermath of the 1991 Persian Gulf War, international inspectors determined that Iraq had been engaged in a clandestine nuclear weapons development program at locations not directly subject to International Atomic Energy Agency (IAEA) safeguards. The international community determined

that the safeguards system needed to be strengthened and negotiated a model Additional Protocol to amend existing bilateral safeguards agreements. The model Additional Protocol requires enhanced information collection and access to provide IAEA inspectors with greater ability to detect clandestine nuclear activities in non-nuclear weapons states (NNWS), and covers almost all of a state's nuclear fuel cycle. The United States, as a nuclear weapons state (NWS) party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), is not obligated to accept IAEA safeguards on its nuclear activities. However, the United States voluntarily signed the U.S. Additional Protocol on June 12, 1998. In this U.S. Additional Protocol, the United States accepts all of the measures of the Model Protocol, except where their application would result in access by the IAEA to activities with direct national security significance to the United States or to locations or information associated with such activities. By submitting itself to the same safeguards on all of its civil nuclear activities that NNWS are subject to (except those of national security significance), the United States intends to demonstrate that adherence to the model Additional Protocol does not place other countries at a commercial disadvantage.

Declarations submitted under the U.S. Additional Protocol would provide the IAEA with information about additional aspects of the U.S. nuclear fuel cycle, including mining and milling of nuclear materials, nuclear-related equipment manufacturing, nuclear-related imports and exports, research and development not involving nuclear material, and other nuclear material activities not currently subject to the U.S. Safeguards Agreement. There are no routine inspections under the U.S. Additional Protocol, but IAEA inspectors may be provided access (referred to as ''complementary access'') to the U.S. nuclear fuel cycle to assure the absence of undeclared nuclear material and activities or where there is a question or an inconsistency about the completeness or correctness of the U.S. declaration, which could relate to declared or undeclared industrial locations. Access to most industrial locations is predicated upon an IAEA request for clarification of a declaration. As with the U.S.-IAEA Safeguards Agreement, the IAEA would not be required to seek access to any U.S. locations. In carrying out the responsibilities delegated to it for implementation of the U.S. Additional Protocol, the Bureau of Industry and Security (BIS) will apply a philosophy of ensuring compliance while minimizing intrusion and the burden on commercial activities and emphasizing the protection of confidential business, national security, and other critical information to the maximum extent possible.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0694–AD27

RIN: 0694–AD26

315. • REMOVAL OF LICENSE EXCEPTION GBS ELIGIBILITY FOR CERTAIN MICROWAVE MONOLITHIC INTEGRATED CIRCUIT (MMIC) POWER AMPLIFIERS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 7420; EO 13026; . . .

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations by removing License Exception GBS eligibility for certain microwave monolithic integrated circuit power amplifiers (MMICs) controlled on the Commerce Control List that can be used in phased array radar systems. License Exception GBS authorizes exports and reexports to Country Group B destinations when an item requires a license to such destinations for national security reasons only.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD36

Department of Commerce (DOC) — Final Rule Stage
Bureau of Industry and Security (BIS)

316. CHEMICAL WEAPONS CONVENTION REGULATIONS

Priority: Other Significant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222

CFR Citation: 15 CFR 710 et seq

Legal Deadline: None

Abstract: The Chemical Weapons Convention Implementation Act of 1998 (the Act or CWCIA) (22 U.S.C. 6701 et seq.), enacted on October 21, 1998, authorizes the United States to require the U.S. chemical industry and other private entities to submit declarations, notifications and other reports and also to provide access for on-site inspections conducted by inspectors sent by the Organization for the Prohibition of Chemical Weapons (OPCW). Executive Order (E.O.) 13128 delegates authority to the Department of Commerce to promulgate regulations, obtain and execute warrants, provide

assistance to certain facilities, and carry out appropriate functions to implement the Chemical Weapons Convention (CWC), consistent with the Act. The Department of Commerce implements CWC import restrictions under the authority of the International Emergency Economic Powers Act, the National Emergencies Act, and E.O. 12938, as amended by E.O. 13128. The Departments of State and Commerce have implemented the CWC export restrictions under their respective export control authorities. E.O. 13128 designates the Department of State as the United States National Authority (USNA) for purposes of the CWC and the Act.

On December 30, 1999, the Bureau of Industry and Security (BIS), U.S. Department of Commerce, published an interim rule that established the Chemical Weapons Convention Regulations (CWCR) (15 CFR parts 710-722). The CWCR implemented the provisions of the CWC, affecting U.S. industry and U.S. persons, in accordance with the provisions of the Act. This rule updates the CWCR to include additional requirements identified as necessary for the implementation of certain CWC provisions and amends the CWCR to clarify other CWC requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/21/99	64 FR 39193
Interim Final Rule	12/30/99	64 FR 73744
Second NPRM	12/07/04	69 FR 70754
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0694–AB06

317. DE MINIMIS EXPANSION OF ELIGIBILITY: U.S.–ORIGIN SOFTWARE INCORPORATED INTO FOREIGN–MADE COMMODITIES

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; . . .

CFR Citation: 15 CFR 730 to 774

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) by allowing foreign-made commodities that incorporate a de minimis, i.e., low percentage, value of controlled U.S.-origin software to be considered ''not subject'' to the Export Administration Regulations (EAR).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AC17

318. LICENSE EXCEPTION AVS: CUBA, LIBYA, AND SERBIA

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; . . .

CFR Citation: 15 CFR 740

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by allowing equipment, spares, and plane stores under the provisions of License Exception AVS on foreign-registered aircraft subject to the EAR that are temporarily reexported to Libya and Serbia, and on U.S.- or foreign-registered aircraft subject to the EAR that are temporarily exported or reexported to Cuba.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AC33

319. CLARIFICATIONS TO PART 753: SPECIAL COMPREHENSIVE LICENSE REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; . . .

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: The Bureau of Industry and Security administers the Special Comprehensive License (SCL) program to provide an effective export control mechanism for exporters who routinely ship to multiple end-users. This rule amends the SCL provisions of the Export Administration Regulations (EAR) to conform with changes in the SCL licensing process and to provide SCL applicants and consignees with additional guidance on how to fill out the forms required to submit a license application or to request changes in their SCLs. This rule also creates two new elements for SCL internal control programs. These new elements require the establishment of procedures for screening customers and items to ensure that SCL transactions conform with the antiboycott provisions of the EAR and with EAR provisions concerning entities involved in weapons of mass destruction activities.

Timetable:

Action	Date	FR Cite
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AC34

320. REMOVAL OF LICENSING EXEMPTION FOR EXPORTS AND REEXPORTS OF MISSILE TECHNOLOGY–CONTROLLED ITEMS DESTINED TO CANADA

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2501 et seq; . . .

CFR Citation: 15 CFR 738; 15 CFR 742

Legal Deadline: None

Abstract: This rule revises the existing license exemption in the Export Administration Regulations for the export of missile technology controlled items to Canada. It implements recommendations contained in the General Accounting Office report entitled Export Controls: Regulatory Change Needed to Comply with Missile Technology Licensing Requirements (GA-01-530).

Timetable:

Action	Date	FR Cite
ANPRM	12/20/01	66 FR 65666
Interim Final Rule	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AC48

321. EXPORT AND REEXPORT CONTROLS ON IRAQ

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430; 18 USC 2510; 22 USC 287; 22 USC 3201; 22 USC 6004; 30 USC 185; 42 USC 2139; 42 USC 6212; 43 USC 1354; 46 USC 466; 50 USC app 5; PL 106–387; PL 107–56; EO 13026; EO 13222

CFR Citation: 15 CFR 732; 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 746; 15 CFR 750; 15 CFR 752; 15 CFR 758; 15 CFR 762; 15 CFR 774

Legal Deadline: None

Abstract: This rule establishes the new export control policy for exports to Iraq under the licensing responsibility of the Bureau of Industry and Security. The new export control policy reflects the changed circumstances in Iraq and is consistent with changes in U.S. legal authorities concerning Iraq and actions taken by the United Nations Security Council with respect to the embargo against Iraq.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/04	69 FR 46060
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0694–AC84

322. KNOWLEDGE DEFINITION, SAFE HARBOR, RED FLAGS

Priority: Other Significant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; EO 12938; EO 13020; EO 13026; EO 13222

CFR Citation: 15 CFR 732; 15 CFR 736; 15 CFR 744; 15 CFR 752; 15 CFR 764; 15 CFR 772

Legal Deadline: None

Abstract: This rule revises the knowledge definition in the Export Administration Regulations to incorporate a ''reasonable person'' standard and replaces the phrase ''high probability'' with the phrase ''more likely than not.'' It also updates the ''red flags'' guidance and would provide a safe harbor from liability arising from knowledge under that definition.

Timetable:

Action	Date	FR Cite
NPRM	01/13/04	69 FR 60829
NPRM Comment Period Extended	11/15/04	69 FR 65555
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0694–AC94

323. ADDING SYSTEMS, INCLUDING CAMERAS, INCORPORATING NON–SPACE QUALIFIED NON–LINEAR (2–DIMENSIONAL), INFRARED FOCAL PLANE ARRAYS BASED ON SILICON (INCLUDING SILICON–GERMANIUM) MICROBOLOMETER MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); 18 USC 2510; 22 USC 287c; 22 USC 3201; 22 USC 6004; 30 USC 185(s) and 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; PL 106–387; PL 107–56; EO 13026; EO 13222

CFR Citation: 15 CFR 744

Legal Deadline: None

Abstract: This rule imposes unilateral ''National Security'' (NS) and ''Anti-Terrorism'' (AT) controls on the export and reexport of (1) systems, including cameras, Incorporating Non-Space Qualified non-linear (2-dimensional), infrared focal plane arrays based on silicon (including silicon-germanium) microbolometer material (SIIRFPA), (2) software related to the production and development of these systems, and (3) technology related to the production and development of these systems and

software. This rule places these items, previously classified as EAR99, on the Commerce Control List.

Timetable:

Action	Date	FR Cite
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD06

324. CLARIFICATION OF ''SPACE–QUALIFIED'' PARTS, COMPONENTS, AND TECHNOLOGY SUBJECT TO THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2510 et seq; 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s) and 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106–387; PL 107–56; EO 13026; EO 13222

CFR Citation: 15 CFR 744

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR), Commerce Control List entry for space launch vehicles and ''spacecraft'' to remove outdated notes and to clarify that ''space qualified'' parts, components and technology subject to the EAR are controlled under other entries.

Timetable:

Action	Date	FR Cite
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD07

325. • REVISION OF EXPORT AND REEXPORT RESTRICTIONS ON LIBYA

Priority: Other Significant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2510 et seq; 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s), 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106–387; PL 107–56; EO 13026; EO 13222

CFR Citation: 15 CFR 732; 15 CFR 736; 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 746; 15 CFR 762; 15 CFR 772

Legal Deadline: None

Abstract: This rule implements the President's decision to revise United States sanctions against Libya. It also transfers licensing jurisdiction for exports to Libya of items subject to the EAR from the Department of Treasury to the Department of Commerce.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/29/04	69 FR 23626
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This RIN was published in error as a completed action in the Fall 2004 Unified Agenda. BIS corrects this error by reinstating this RIN. The final rule to this action is expected to be published in February 2005.

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RIN: 0694–AD14

326. AMENDMENTS TO THE EXPORT ADMINISTRATION REGULATIONS (EAR) IMPLEMENTING THE ''CATCH–ALL'' PROVISIONS IN THE AUSTRALIA GROUP (AG) ''GUIDELINES FOR TRANSFERS OF SENSITIVE CHEMICAL OR BIOLOGICAL ITEMS''

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 22 USC 3201; 42 USC 2139a ; PL 106–387; PL 107–56 ; EO 12058; EO 12851; EO 12938; EO 12947; EO 13026; EO 13099; EO 13222; EO 13224

CFR Citation: 15 CFR 744

Legal Deadline: None

Abstract: This rule amends the ''end-user/end-use'' controls in section 744.4(a) of the Export Administration Regulations (EAR) to conform with the country scope of the ''catch-all'' provisions in the Australia Group's ''Guidelines for Transfers of Sensitive Chemical or Biological Items.'' Currently, section 744.4(a) of the EAR requires a license only to countries of concern for chemical and/or biological weapons reasons (i.e., Country Group D:3 in Supplement No. 1 to Part 740 of the EAR). This rule would amend section 744.4(a) of the EAR by expanding the number of countries subject to this EAR ''end-user/end-use'' license requirement to include all destinations, worldwide, including the countries identified in Country Group A:3 (i.e., the AG-participating countries).

Timetable:

Action	Date	FR Cite
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD15

327. CUBA: REVISIONS OF PERSONAL BAGGAGE RULES, STATEMENT OF LICENSING POLICY, AND MODIFICATION OF LICENSE APPLICATION REQUIREMENTS

Priority: Other Significant

Legal Authority: 50 USC app. 2401 et seq; 50 USC 1701 et seq; PL 106–387; EO 13026; EO 13222

CFR Citation: 15 CFR 740; 15 CFR 746; 15 CFR 748

Legal Deadline: None

Abstract: This rule revises the policy implemented in a rule that BIS published on June 22, 2004 (RIN 0694-AD17, 69 FR 34565). That rule, inter alia, placed a limit of 44 pounds on the amount of baggage that most travelers to Cuba are allowed to take under License Exception BAG. This rule clarifies that restriction by exempting wearing apparel and articles of personal adornment worn by the traveler while traveling to Cuba, personal safety and medical commodities for use by the traveler including wheelchairs, walkers, portable medical devices, child safety seats, and strollers from the 44 pound weight limit. This rule also states BIS licensing policy regarding aircraft and vessels on temporary sojourn to Cuba and imposes new information requirements for license applications for certain aircraft and vessels on temporary sojourn to Cuba.

Timetable:

Action	Date	FR Cite
Final Rule	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0694–AD17

RIN: 0694–AD23

328. LICENSING POLICY FOR ENTITIES SANCTIONED UNDER SPECIFIED STATUTES; LICENSE REQUIREMENT FOR CERTAIN SANCTIONED ENTITIES; AND IMPOSITION OF LICENSE REQUIREMENT FOR TULA INSTRUMENT DESIGN BUREAU

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app. 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; PL 106–387 sec 901 to 911; PL 107–56 sec 221; EO 12058; EO 12851; EO 12938; EO 12947; EO 13026; EO 13099; EO 13222; EO 13224

CFR Citation: 15 CFR 744

Legal Deadline: None

Abstract: Several statutes authorize or require the United States Government to impose export sanctions on entities if such entities have engaged in activities that contribute to the proliferation of weapons of mass destruction or are otherwise contrary to the foreign policy interests of the United States. This rule sets forth BIS's licensing policy for entities subject to sanctions imposed by the State Department under the Iran-Iraq Arms Nonproliferation Act of 1992 (Pub. L. 102-484), the Iran Nonproliferation Act of 2000 (Pub. L. 107-178) and section 11B(b)(1) of the Export Administration Act of 1979. This rule also sets forth a new license requirement for certain entities sanctioned by the State Department, and imposes a license requirement for a specific entity, Tula Instrument Design Bureau of Russia, pursuant to the new license requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/05	70 FR 10865
Interim Final Rule Comment Period End	05/06/05	
Final Rule	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD24

329. LICENSE EXCEPTION GOV EXPORTS AND REEXPORTS FOR OFFICIAL IAEA INTERNATIONAL INSPECTION AND VERIFICATION USE IN ACCORDANCE WITH THE U.S.–IAEA SAFEGUARDS AGREEMENT, AS AMENDED BY THE ADDITIONAL PROTOCOL

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; PL 106–387; . . .

CFR Citation: 15 CFR 740

Legal Deadline: None

Abstract: This rule amends the License Exception GOV provisions in the Export Administration Regulations (EAR) to authorize exports and reexports of certain items for official International Atomic Energy Agency (IAEA) inspection and verification use in accordance with the terms of the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States, and Protocol Thereto (U.S.-IAEA Safeguards Agreement), as amended by the U.S.-IAEA Additional Protocol (Additional Protocol). These new License Exception GOV provisions authorize exports and reexports of a broader range of items than those currently eligible under the IAEA-Euratom provisions of License Exception GOV, because exports and reexports under these new License Exception GOV provisions are authorized only in connection with official international inspection and verification activities by the IAEA under the terms of the U.S.-IAEA Safeguards Agreement, as amended by the Additional Protocol.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0694–AD26

RIN: 0694–AD27

330. EXPORTS OF NUCLEAR–GRADE GRAPHITE: CHANGE IN LICENSING JURISDICTION

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430; 18 USC 2510; 22 USC 3201; PL 106–387; EO 13026; EO 13222; . . .

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: This rule implements the transfer of licensing jurisdiction, from the Nuclear Regulatory Commission (NRC) to the Bureau of Industry and Security (BIS), of nuclear-grade graphite intended for non-nuclear end-uses.

Timetable:

Action	Date	FR Cite
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD28

331. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); 18 USC 2510; . . .

CFR Citation: 15 CFR 738; 15 CFR 764; . . .

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) by making certain corrections and clarifications, including insertion of material inadvertently omitted from previous rules.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania NW., Washington, DC 20230
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RIN: 0694–AD30

332. CLARIFICATION ON LICENSE EXCEPTION RESTRICTIONS AS RELATING TO EXPORTS AND REEXPORTS OF CRIME CONTROL AND DETECTION INSTRUMENT EQUIPMENT, AND RELATED TECHNOLOGY AND SOFTWARE

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; PL 106–387; EO 13026; EO 13222

CFR Citation: 15 CFR 740

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by clarifying the listing of countries which are exempt from the license exception restriction imposed on exports and reexports of specially designed crime control and detection instrument equipment. This rule also authorizes the usage of License Exception GOV on shipments of the aforementioned equipment. Finally, this rule expands the license exception restriction for crime control reasons to include all items (commodities, technology, and software) instead of only commodities.

Timetable:

Action	Date	FR Cite
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Matthew Blaskovich, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, MS 2705, 14th & Pennsylvania Ave. NW., Washington, DC 20230
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RIN: 0694–AD33

333. REMOVAL OF CERTAIN NIGHT VISION DEVICES FROM ELIGIBILITY FOR LICENSE EXCEPTION APR FOR REEXPORTS TO, FROM, AND AMONG COUNTRY GROUP A:1

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; PL 106–387; EO 13026; EO 13222

CFR Citation: 15 CFR 740

Legal Deadline: None

Abstract: Paragraphs (a) and (b) of License Exception APR allow reexports of certain commodities to, from, and among destinations in Country Group A:1 (Supp. No. 1 to part 740 of the EAR) even in some situations in which no license exception would be eligible for similar exports from the United States to the same destination. Some commodities are excluded from the provisions of paragraphs (a) and (b) of License Exception APR. This rule adds some night vision related equipment to those exclusions. BIS is taking this action because of the importance of night vision equipment in military operations and its potential use by terrorists.

Timetable:

Action	Date	FR Cite
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th and Pennsylvania Avenue, NW., Washington, DC 20230
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RIN: 0694–AD34

334. • EXPANSION OF THE COUNTRY SCOPE OF THE LICENSE REQUIREMENTS THAT APPLY TO CHEMICAL/BIOLOGICAL (CB) EQUIPMENT AND RELATED TECHNOLOGY; AMENDMENTS TO CB–RELATED END–USER/END–USE AND U.S. PERSON CONTROLS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; 42 USC 2139a; PL 107–56; PL 108–11; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

CFR Citation: 15 CFR 742; 15 CFR 744; 15 CFR 774

Legal Deadline: None

Abstract: This rule increases the country scope of chemical/biological (CB) controls on those Commerce Control List (CCL) entries that control chemical/biological equipment and related technology included on the Australia Group (AG) ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology.'' Specifically, this rule expands the country scope of the CB license requirements for these CCL entries from certain countries of concern for chemical/biological weapons reasons to all destinations, worldwide, except for those countries that participate in the Australia Group (AG). The changes made by this rule are intended to make the EAR license requirements that apply to AG-listed chemical/biological equipment and related technology conform with the AG ''Guidelines for Transfers of Sensitive Chemical or Biological Items.'' This rule also expands the CB-related end-user/end-use controls in Section 744.4 of the EAR to include in-country transfers, as well as exports and reexports. In addition, this rule expands the country scope of the CB-related U.S. person restrictions in Section 744.6 of the EAR from countries of concern for CB weapons reasons (i.e., Country Group D:3) to any country or destination, worldwide.

Timetable:

Action	Date	FR Cite
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th St & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0694–AD37

335. • REMOVAL OF ADVISORY NOTES

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; PL 106–387; PL 107–56; EO 12058; EO 12851; EO 12938; EO 13222

CFR Citation: 15 CFR 742; 15 CFR 748; 15 CFR 774

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) by removing all references to ''Advisory Notes'' from the provisions of the EAR. In addition, this rule amends Export Control Classification Number (ECCN) 2B018 on the Commerce Control List (CCL) by removing the Advisory Note from this ECCN and making conforming changes to the License Exception GBS and License Exception CIV paragraphs in this ECCN. Advisory Notes were included in the CCL to indicate favorable licensing treatment for strategic items included on the control lists of the Coordinating Committee for Multilateral Export Controls (COCOM), a multilateral export control organization that existed during the Cold War era. Strategic items included on the control lists of the COCOM successor regime, the Wassenaar Arrangement (WA), do not have Advisory Notes. Therefore, the Bureau of Industry and Security (BIS) amends the EAR to remove the only remaining Advisory Note and all references to Advisory Notes, wherever located.

Timetable:

Action	Date	FR Cite
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marcus Cohen, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Ave., NW, Mail Stop 2705, Washington, DC 20230
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RIN: 0694–AD39

336. • EDITORIAL CORRECTIONS TO PART 730 OF THE EXPORT ADMINISTRATION REGULATIONS

Priority: Info./Admin./Other

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 7420; 18 USC 2510; . . .

CFR Citation: 15 CFR 730

Legal Deadline: None

Abstract: This final rule amends the Export Administration Regulations (EAR) by making editorial corrections to update the organization descriptions and contact information of the offices in the Bureau of Industry and Security. In addition, this rule updates the list of Paperwork Collections that authorize the collection of information under the requirements of the EAR.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0694–AD40

337. • DECEMBER 2004 WASSENAAR ARRANGEMENT PLENARY AGREEMENT IMPLEMENTATION: CATEGORIES 1, 2, 3, 4, 5 PART I (TELECOMMUNICATIONS), 6, 7, 8, AND 9 OF THE COMMERCE CONTROL LIST; WASSENAAR REPORTING REQUIREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); . . .

CFR Citation: 15 CFR 743; 15 CFR 772; 15 CFR 774

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This final rule revises certain entries controlled for national security reasons in Categories 1, 2, 3, 4, 5 part I (telecommunications), 6, 7, 8, and 9 to conform with changes in the List of Dual-Use Goods and Technologies maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement). The Wassenaar Arrangement focuses on implementation of effective export controls on strategic items with the objective of improving regional and international security and stability.

The purpose of this final rule is to make the necessary changes to the Commerce Control List, definitions of terms used in the EAR, and Wassenaar reporting requirements to implement Wassenaar List revisions that were agreed upon in the December 2004 meeting. In addition, this rule adds Slovenia to the list of Wassenaar member countries in the EAR.

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0694–AD41

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338. • ENTITY LIST—INDIA: REDUCTION IN SCOPE OF ITEMS THAT REQUIRE A LICENSE FOR END–USERS SUBJECT TO INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) SAFEGUARDS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 42 USC 2139(a); EO 12947; . . .

CFR Citation: 15 CFR 744

Legal Deadline: None

Abstract: On January 12, 2004, President George W. Bush announced the Next Steps in Strategic Partnership (NSSP) with India. The proposed cooperation outlined in the NSSP will progress through a series of reciprocal steps that build on each other, including steps related to enhancing cooperation in peaceful uses of space technology and steps to create the appropriate environment for successful high technology commerce. This rule implements a revision the United States has agreed to take under the NSSP by reducing the scope of the items that exporters are informed require a license for facilities subject to International Atomic Energy Agency safeguards (Rajasthan 1 & 2 and Tarapur 1 & 2).

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0694–AD44

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339. • TECHNICAL CORRECTIONS TO THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app. 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); . . .

CFR Citation: 15 CFR 732; 15 CFR 734; 15 CFR 736; 15 CFR 740; 15 CFR 742; 15 CFR 746; 15 CFR 774

Legal Deadline: None

Abstract: This rule clarifies the requirements of several license exceptions, replaces supplements to the EAR with codified text, removes several provisions that have no legal effect and revises several software and technology Commerce Control List entries to make them more closely track related commodity entries.

Timetable:

Action	Date	FR Cite
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th and Pennsylvania Avenue, NW., Washington, DC 20230
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Related RIN: Previously reported as 0694–AC93

RIN: 0694–AD46

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340. • REVISIONS AND CLARIFICATION OF LICENSE EXCEPTION AVAILABILITY FOR CERTAIN CRIME CONTROL ITEMS AND REMOVAL OF LICENSE REQUIREMENTS ON OTHER CRIME CONTROL ITEMS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app. 2401 et seq.; 50 USC 1701 et seq.; 18 USC 2510 et seq; 22 USC 3201 et seq.; 42 USC 2139a; PL 106–387; PL 107–56; PL 108–11; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

CFR Citation: 15 CFR 740; 15 CFR 742; 15 CFR 774

Legal Deadline: None

Abstract: This rule expands and clarifies the availability of License Exceptions for items listed on the Commerce Control List (CCL) for Crime Control reasons. It also removes some such items from the CCL altogether by removing four Export Control Classification Numbers (ECCN) from that list. BIS is making these changes because it has concluded that the License Exception exclusions that this rule removes and the license requirements that were imposed pursuant to the ECCNs that this rule removes from the CCL are not necessary for the continued support of U.S. foreign policy to promote human rights throughout the world. Such support is the basis for crime control export license requirements as stated in §742.7 of the EAR. This rule also reiterates and emphasizes BIS policy of treating specially designed implements

of torture and similar items differently than crime control items that have legitimate law enforcement uses by creating a separate paragraph in §740.2 excluding the former from all license exceptions. Finally this rule makes technical corrections in several ECCNs

Timetable:

Action	Date	FR Cite
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th and Pennsylvania Avenue, NW., Washington, DC 20230
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RIN: 0694–AD47

341. • REVISION OF TELEPHONE NUMBERS, ADDRESSES, AND NOMENCLATURE CHANGE AND REMOVAL OF REDUNDANT REPORTING REQUIREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app. 2401 et seq.; 50 USC 1701 et seq; 18 USC 2510 et seq.; 22 USC 3201 et seq.; 42 USC 2139a; PL 106–387; PL 107–56; PL 108–11; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

CFR Citation: 15 CFR 740; 15 CFR 742; 15 CFR 748; 15 CFR 762; 15 CFR 764

Legal Deadline: None

Abstract: This rule revises addresses, telephone, and facsimile numbers; makes a nomenclature change; removes a redundant notification requirement; and corrects a citation error.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th and Pennsylvania Avenue, NW., Washington, DC 20230
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RIN: 0694–AD48

342. • REVISIONS TO THE IMPORT CERTIFICATE REQUIREMENTS IN THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; . . .

CFR Citation: 15 CFR 748

Legal Deadline: None

Abstract: The Bureau of Industry and Security is removing the requirement to obtain an Import Certificate in support of an export or reexport licence when the ultimate consignee or purchaser is a foreign government or agency of India, Bulgaria, Czech Republic, Hungary, Poland, Romania, and Slovakia. This requirement is being removed for India, because of its highly effective export control program. The requirement is being removed for the other countries, because of their membership to the North Atlantic Treaty Organization (NATO) and their commitment to export control, as is reflected by their membership to multiple export control regimes, such as the Wassenaar Arrangement, the Australia Group, the Missile Technology Control Regime, and Nuclear Suppliers Group.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD50

Department of Commerce (DOC) — Long-Term Actions

Bureau of Industry and Security (BIS)

343. EXPORT ADMINISTRATION REGULATIONS: SUPPORT DOCUMENTATION

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 748

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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RIN: 0694–AC04

344. EXPORTS AND REEXPORTS TO SUDAN

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 732; 15 CFR 738; 15 CFR 742; 15 CFR 746; 15 CFR 774

Timetable:

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William Arvin
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RIN: 0694–AC05

345. EXPANSION OF LICENSE EXCEPTION GOV; EXPORTS AND REEXPORTS TO INTERNATIONAL ORGANIZATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 730 to 774

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman
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RIN: 0694–AC15

346. MANDATORY ELECTRONIC FILING OF LICENSE APPLICATIONS, CLASSIFICATION REQUESTS, AND LICENSE EXCEPTIONS NOTIFICATIONS VIA BIS'S SIMPLIFIED NETWORK APPLICATION PROCESS (SNAP)

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 740; 15 CFR 742; 15 CFR 743; 15 CFR 748; 15 CFR 754; 15 CFR 772

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64009
NPRM Comment Period End	01/12/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Arvin
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RIN: 0694–AC20

347. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 748 to 750

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook
Phone: 202 482–2440
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RIN: 0694–AC23

348. CHEMICAL WEAPONS CONVENTION: REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 700 to 799

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Willard Fisher
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RIN: 0694–AC35

349. IMPLEMENTATION OF GENERAL ORDER NO. 3 AND DELETION OF GENERAL ORDER NO. 1

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 732; 15 CFR 736; 15 CFR 740; 15 CFR 748; 15 CFR 758; 15 CFR 764

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Timothy Mooney
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RIN: 0694–AC47

350. LICENSE EXCEPTION APR FOR REEXPORTS TO, FROM, AND AMONG COUNTRIES IN COUNTRY GROUP A:1

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 740

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William Arvin
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RIN: 0694–AC69

351. REVISIONS TO LICENSE EXCEPTION TSR: EXPANSION TO SCOPE OF ELIGIBLE COUNTRIES

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 774

Timetable:

Action	Date	FR Cite
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Matthew Blaskovich
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RIN: 0694–AC71

352. REVISIONS OF AIRCRAFT EXPORT LICENSING JURISDICTION BASED ON REVIEW OF THE UNITED STATES MUNITIONS LIST

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 748; 15 CFR 774

Timetable:

Action	Date	FR Cite
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William Arvin
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RIN: 0694–AC74

353. IMPOSITION OF FOREIGN POLICY CONTROLS ON SURREPTITIOUS COMMUNICATIONS INTERCEPTING DEVICES

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 746; 15 CFR 752; . . .

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman
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Related RIN: Related to 0694–AB41

RIN: 0694–AC82

354. EXPORT ADMINISTRATION REGULATIONS: REMOVAL OF COUNTRY GROUPS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 732; 15 CFR 724; 15 CFR 736; 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 748; 15 CFR 750; 15 CFR 752; 15 CFR 758; 15 CFR 770; 15 CFR 772; 15 CFR 774

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 0694–AD09

355. IMPLEMENTATION OF THE WASSENAAR ARRANGEMENT STATEMENT OF UNDERSTANDING ON THE CONTROL OF NON–LISTED DUAL–USE ITEMS

Priority: Other Significant

CFR Citation: 15 CFR 740; 15 CFR 744; 15 CFR 746; 15 CFR 748

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook
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RIN: 0694–AD10

356. EXPORT ADMINISTRATION REGULATIONS: ESTABLISH SPECIAL INTRA–COMPANY LICENSE (SIL)

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 730; 15 CFR 732; 15 CFR 738; 15 CFR 753; . . .

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook
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RIN: 0694–AD22

357. • RESTRICTIONS ON EXPORTS AND REEXPORTS TO CHINA (AND TRANSFERS WITHIN CHINA) OF CERTAIN ITEMS INTENDED FOR MILITARY END–USES

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 22 USC 3201; EO 13026; . . .

CFR Citation: 15 CFR 744; 15 CFR 774

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to impose a license requirement on exports and reexports to China (and transfers within China) of certain aircraft engines intended for military end-uses.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0694–AD49

Department of Commerce (DOC) — Completed Actions

Bureau of Industry and Security (BIS)

358. REVISIONS TO THE EXPORT ADMINISTRATIVE REGULATIONS: REMOVAL OF THE LIST OF MISSILE PROJECTS FROM CERTAIN COUNTRY GROUPS AND REVISIONS TO MISSILE CONTROLS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; . . .

CFR Citation: 15 CFR 740

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) by revising the footnote to Country Group D, which includes missile projects of concern. This rule updates the list of missile projects by adding missile projects and revising others by expanding the scope to missile project series. This rule increases the amount of applications for license submitted to the Bureau of Industry and Security, while curtailing the availability of goods and technology that could contribute to missile proliferation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/08/04	69 FR 64657

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0694–AC46

359. LICENSE APPLICATION DENIAL POLICY, ''RED FLAG'' INDICATORS OF POSSIBLE INAPPROPRIATE END–USE, END–USER, OR DESTINATION

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; EO 13026; EO 13222; 22 USC 3201; 42 USC 2139a; EO 12058; EO 12851; EO 12938; EO 12947; EO 13026; EO 13099; EO 13222; EO 13224

CFR Citation: 15 CFR 732; 15 CFR 744.11

Legal Deadline: None

Abstract: This rule makes explicit BIS's policy of denying export license applications when a sanction imposed on a party pursuant to a statute requires such denial. Such sanctions are imposed for activities contrary to United States foreign policy interests or that contribute to the proliferation of weapons of mass destruction. This rule also makes the imposition of such sanctions or publication of a party's name on the BIS ''Unverified List'' a ''red flag'' triggering a need for heightened scrutiny when dealing with such parties in transactions that are subject to the Export Administration Regulations.

Timetable:

Action	Date	FR Cite
Merged With 0694–AD24	11/15/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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Related RIN: Merged with 0694–AD24

RIN: 0694–AC68

360. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS: MISSILE TECHNOLOGY PRODUCTION EQUIPMENT AND FACILITIES CONTROLLED UNDER ECCNS 9B115 AND 9B116

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; EO 13222

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: This rule amends the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR) to clarify and correct the scope of controls for production equipment and facilities for MT items in ECCNs 9B115 and 9B116. Specifically, because the MTCR Annex does not list production equipment for space launch vehicles or sounding rockets, this rule revises 9B115 to remove production equipment described in ECCN 9A004, the ECCN describing MT controls on space launch vehicles, and ECCN 9A104, the ECCN describing MT controls on sounding rockets. The MTCR Annex does list production facilities for space launch vehicles; however, because 9A004 includes ''spacecraft'' that are not controlled for MT reasons, the scope of control for production facilities described by ECCN 9B116 is too broad. Therefore, this rule amends ECCN 9B116 to specify that only production facilities for space launch vehicles described in ECCN 9A004 are subject to MT control.

In addition, the headings of ECCNs 9B115 and 9B116 are revised to include production equipment and production facilities, respectively, for components, systems and structures for launch vehicles, launch vehicle propulsion systems or ''spacecraft'' described in ECCN 9A010.

Timetable:

Action	Date	FR Cite
Merged With 0694–AD46	02/18/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AC93

361. TERMINATION OF CERTAIN EMERGENCIES WITH RESPECT TO YUGOSLAVIA AND RELATED REMOVAL OF RESTRICTIONS ON TRANSACTIONS WITH PERSONS IDENTIFIED BY THE BRACKETED INITIALS (FRYM) UNDER THE EXPORT ADMIN. REGS.

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app. 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; PL 106–387; PL 107–56; EO 12058; EO 12851; EO 12938; EO 12947; EO 13026; EO 13099; EO 13222; EO 13224

CFR Citation: 15 CFR 744

Legal Deadline: None

Abstract: The President issued Executive Order 13304, effective on May 29, 2003, that, among other actions, terminated certain emergencies with respect to Yugoslavia that were declared in 1992 and 1998. Executive Order 13304's termination of the 1998 emergency removed most controls on certain persons identified by the bracketed initials [FRYM] on the list of Specially Designated Nationals and Blocked Persons maintained by the Department of the Treasury in 31 CFR chapter V. In this rule, the Bureau of Industry and Security removes from its regulations the restrictions on exports and reexports to persons identified by the bracketed initials [FRYM] on the list of Specially Designated Nationals and Blocked Persons.

Timetable:

Action	Date	FR Cite
Final Rule	11/12/04	69 FR 65368

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AC98

362. EXPANSION OF AVAILABILITY OF LICENSE EXCEPTION CIV FOR CERTAIN DEEMED EXPORTS OF MICROPROCESSOR TECHNOLOGY; AND ESTABLISHMENT OF ''FOREIGN NATIONAL REVIEW'' SUPPORT STATEMENT FOR DEEMED EXPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 7420; 18 USC 2510; . . .

CFR Citation: 15 CFR 740; 15 CFR 748; 15 CFR 774

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is expanding the availability of License Exception CIV for certain deemed exports of microprocessor technology on the Commerce Control List (CCL) of the Export Administration Regulations (EAR) under Export Classification Control Numbers (ECCN) 3E001 and 3E002. These ECCNs control technology that can be used for the development and production of microprocessors. The proposed rule published on October 24, 2003, included the export and reexport of general purpose microprocessor technology under License Exception CIV. Eligibility for License Exception CIV in the final rule is limited to deemed exports for certain microprocessor technology. BIS has determined that further liberalization of controls on exports of microprocessor technology must await agreement in the Wassenaar Arrangement. This rule also establishes a new ''Foreign National Review'' (FNR) Support Statement requirement for deemed exports of technology in the EAR, incorporating guidance that has been posted on BIS's Web site.

Timetable:

Action	Date	FR Cite
NPRM	10/24/03	68 FR 60891
Final Action	11/05/04	69 FR 64490

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments: efoia.bis.doc.gov/pubcomm/computer%20tech%20and%20software/final.pdf

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Related RIN: Split from 0694–AC95

RIN: 0694–AD04

363. REVISION OF LICENSEES' RESPONSIBILITY TO COMMUNICATE LICENSE CONDITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; EO 13026; EO 13222

CFR Citation: 15 CFR 750

Legal Deadline: None

Abstract: This rule revises section 750.1 of the Export Administration Regulations to require licensees to communicate in writing specific license conditions to the parties to whom they apply. This is done in accordance with the General Accounting Office's (GAO) post-shipment verification recommendations to the Bureau of Industry and Security (BIS) (found in GAO-04-357).

Timetable:

Action	Date	FR Cite
Final Action	11/23/04	69 FR 68076

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD05

364. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 18 USC 2510 et seq; 22 USC 3201 et seq; 42 USC 2139a; PL 106–387; PL 107–56; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

CFR Citation: 15 CFR 732; 15 CFR 734; 15 CFR 736; 15 CFR 742; 15 CFR 746

Legal Deadline: None

Abstract: This rule removes outdated notes from, and makes editorial corrections and clarifications to, 15 CFR parts 732, 734, 736, 742, and 746.

Timetable:

Action	Date	FR Cite
Merged With 0694–AD46	02/18/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Previously reported as 0694–AD08

RIN: 0694–AD08

365. REVISIONS TO EXPORT ADMINISTRATION REGULATIONS AS A RESULT OF MEMBERSHIP EXPANSION OF NORTH ATLANTIC TREATY ORGANIZATION (NATO)

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2510 et seq; 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s) and 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app. 466c; 50 USC app 5; PL 106–387; PL 107–56; EO 13026; EO 13222

CFR Citation: 15 CFR 738; 15 CFR 742; 15 CFR 772; 15 CFR 774

Legal Deadline: None

Abstract: This rule revises the Export Administration Regulations to eliminate certain license requirements for exports and reexports to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia because of their recent accession to the North Atlantic Treaty Organization.

Timetable:

Action	Date	FR Cite
Final Action	06/28/04	69 FR 36009

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0694–AD11

366. ENTITY LIST: REMOVAL OF FOUR RUSSIAN ENTITIES

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; PL 106–387; PL 107–56; EO 12058; EO 12851; EO 12938; EO 12947; EO 13026; EO 13099; EO 13222; EO 13224

CFR Citation: 15 CFR 744

Legal Deadline: None

Abstract: This rule implements a determination made pursuant to section 6 of Executive Order 12938 of November 14, 1994, as amended by Executive Order 13094 of July 28, 1998, to remove nonproliferation measures that have been imposed on four Russian entities, their subunits, and successors. The rule removes these entities from the Entity List found at 15 CFR 744, Supp. No. 4.

Timetable:

Action	Date	FR Cite
Final Action	11/15/04	69 FR 65539

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD12

367. INDIA: REMOVAL OF INDIAN ENTITY AND REVISION IN LICENSE REVIEW POLICY FOR CERTAIN INDIAN ENTITIES AND A CLARIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 18 USC 2510 et seq; 22 USC 3201 et seq; 42 USC 2139a; PL 106–387; PL 107–56; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

CFR Citation: 15 CFR 744

Legal Deadline: None

Abstract: This rule removes the Indian Space Research Organization (ISRO) Headquarters in Bangalore from the Department of Commerce Entity List contained in Supplement No. 4 to Part 744 of the Export Administration Regulations (EAR). It removes the license requirement for the seven (7) ISRO subsidiaries listed on the Entity List for all items subject to the Export Administration Regulations (EAR) having a classification of EAR99 or a classification where the third through fifth digits of the Export Commodity Classification Number (ECCN) are ''999'', e.g., XX999. It establishes a presumption of approval for all items not controlled for nuclear proliferation reasons going to the ''balance of plant'' portion of Indian nuclear facilities subject to International Atomic Energy Agency safeguards (Rajasthan 1 & 2 and Tarapur 1 & 2). ''Balance of plant'' refers to the part of a nuclear power plant used for power generation (e.g., turbines, controllers, or power distribution) to distinguish it from the nuclear reactor.

Timetable:

Action	Date	FR Cite
Final Action	11/22/04	69 FR 56693

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD13

368. REVISION OF EXPORT CONTROL CLASSIFICATION NUMBER (ECCN) 2B351 TO CONFORM WITH THE AUSTRALIA GROUP (AG) ''CONTROL LIST OF DUAL–USE CHEMICAL MANUFACTURING FACILITIES AND EQUIPMENT AND RELATED TECHNOLOGY''

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2510 et seq; 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s) and 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106–387; PL 107–56; EO 13026; EO 13222

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: This rule revises Export Control Classification Number (ECCN) 2B351 on the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR) to conform with the Australia Group (AG) ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology.'' Specifically, this rule amends ECCN 2B351 by removing a technical note that contained an overly broad description of the types of toxic gas monitoring systems and detectors subject to chemical/biological (CB) controls under the EAR. The technical note covered a number of toxic gas monitoring systems and detectors not included on the AG control list.

Timetable:

Action	Date	FR Cite
Final Action	12/23/04	69 FR 76842

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD16

369. EXPANSION OF COMPUTER TECHNOLOGY AND SOFTWARE ELIGIBLE FOR EXPORT OR REEXPORT UNDER LICENSE EXCEPTION CTP; AND ESTABLISHMENT OF ''FOREIGN NATIONAL REVIEW'' PROCEDURE UNDER LICENSE EXCEPTION CTP

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 7420; 18 USC 2510; 22 USC 3201; 30 USC 185; . . .

CFR Citation: 15 CFR 740; 15 CFR 748; 15 CFR 774

Legal Deadline: None

Abstract: This rule expands the availability of license exceptions for exports and reexports of computer technology and software under the Export Administration Regulations (EAR), as set forth in a proposed rule published on October 24, 2003. In addition, this rule clarifies certain provisions of License Exception CTP.

This rule also establishes a new ''Foreign National Review (FNR)'' procedure for deemed exports of technology or source code software under License Exception CTP.

Timetable:

Action	Date	FR Cite
NPRM	10/24/03	68 FR 60891
Final Action	11/05/04	69 FR 64483

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments: efoia.bis.doc.gov/pubcomm/computer%20tech%20and%20software/final.pdf

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Related RIN: Related to 0694–AC95

RIN: 0694–AD18

370. ENCRYPTION EXPORT AND REEXPORT CONTROLS REVISIONS

Priority: Other Significant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; PL 106–387; PL 107–56; EO 12058; EO 12851; EO 12938; EO 12947; EO 13026; EO 13099; EO 13222; EO 13224

CFR Citation: 15 CFR 734; 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 772

Legal Deadline: None

Abstract: This action removes the requirements for a separate case-by-case, U.S. Government review of some encryption items to determine whether foreign-made items incorporating them are eligible for de minimis treatment. Foreign-made items incorporating those encryption items will now be treated like other U.S. origin items in determining de minimis eligibility. This rule reduces the notification requirements for exports and reexports of certain ''publicly available'' items that have been posted to the Internet by removing the requirement to notify the U.S. Government of updates or modifications if the Internet location has not changed. This rule simplifies License Exception ENC review requirements for exports and reexports of eligible encryption items, by implementing a 30-day limit on most encryption reviews and by clarifying the criteria by which licensing requirements to certain ''government end-users'' is determined. In connection with this new 30-day limit, this rule authorizes BIS to require additional technical information about a reviewed item after the review is completed and, if the information is not furnished, to suspend or revoke authorization to use License Exception ENC with respect to the item for which the information is sought. This rule also expands the list of countries to which certain encryption items may be sent immediately after notification to the U.S. Government. The list now covers all current members of the European Union. This rule updates and clarifies several encryption review requirements by revising License Exception ENC, Supplement No. 3 to part 740 and the definition of the term ''hold without action'' in the Export Administration Regulations. This rule also makes some technical changes.

Timetable:

Action	Date	FR Cite
Final Action	12/09/04	69 FR 71356

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD19

371. IMPLEMENTATION OF THE UNDERSTANDINGS REACHED AT THE JUNE 2004 AUSTRALIA GROUP (AG) PLENARY MEETING; CLARIFICATIONS TO THE SCOPE OF ECCNS 1A004, 1A995, AND 2B351

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); 18 USC 2510; 22 USC 287(c); 22 USC 3201; PL 106–387; PL 107–56; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222; . . .

CFR Citation: 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 745; 15 CFR 774

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to: implement the understandings reached at the June 2004 plenary meeting of the Australia Group (AG) and through a subsequent AG intersessional decision; clarify the scope of controls on chemical detection equipment in ECCNs 1A004, 1A995, and 2B351; restore the text of license requirements notes inadvertently omitted from three ECCNs in a previously published rule; and update the list in the EAR that identifies countries that are States Parties to the Chemical Weapons Convention (CWC).

Specifically, this rule implements the understandings reached at the June 2004 plenary meeting by adding three bacteria and two viruses to the list of AG-controlled plant pathogens described on the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR). This rule also revises the AG-related licensing policies in the EAR, consistent with changes in the AG ''Guidelines for Transfers of Sensitive Chemical or Biological Items,'' by adding a new licensing factor to the list of factors that BIS will consider when determining what action should be taken on license applications to export or reexport AG-listed items on the CCL. In addition, this rule removes

the chemical/biological (CB) licensing requirement for certain medical products that contain conotoxins. This rule revises Supplement No. 1 to part 740 (Country Groups) by adding to Country Group A:3 (Australia Group) the names of five countries that recently became AG members and by removing Bulgaria from Country Group D:3 (countries of concern for chemical/biological reasons) the latter change was inadvertently omitted from an AG plenary rule that BIS published on May 31, 2002. Supplement No. 1 to part 738 (Commerce Country Chart) is amended by removing the licensing requirements for the five new AG member countries, under CB Column 2, in conformance with the licensing policy that applies to AG participating countries.This rule amends the EAR to implement an AG intersessional decision, which was adopted after the June 2004 AG plenary meeting, by adding nine precursor chemicals to the list of AG-controlled precursor chemicals described in ECCN 1C350 on the CCL.

In addition, this rule amends ECCNs 1A004 and 2B351 to eliminate an apparent overlap between the controls of these two ECCNs as they apply to certain chemical detection equipment therefor specially designed or modified to identify or detect chemical warfare agents, but not specially designed for military use.

This rule also amends three CCL entries, which control certain precursor chemicals and/or mixtures and test kits containing such chemicals, to restore the text of the license requirements notes that were inadvertently omitted from these ECCNs in a rule that BIS published on July 30, 2004.

Finally, this rule revises Supplement No. 2 to part 745 of the EAR (titled ''States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction'') by adding the names of seven countries that recently became States Parties to the CWC.

Timetable:

Action	Date	FR Cite
Final Rule	12/29/04	69 FR 77890

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD25

372. NOMENCLATURE CHANGE: REFERENCES TO ANOTHER AGENCY

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); . . .

CFR Citation: 15 CFR 730; 15 CFR 734; 15 CFR 746; 15 CFR 770; . . .

Legal Deadline: None

Abstract: This nomenclature change is being made to the Export Administration Regulations (EAR) to update the name of the U.S. State Department's Office of Defense Trade Controls to its new name, the Directorate of Defense Trade Controls.

Timetable:

Action	Date	FR Cite
Final Action	10/12/04	69 FR 60545

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD31

373. TECHNICAL CORRECTIONS TO THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app. 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2510 et seq; 22 USC 287c; 22 USC 2151 note, PL 108–175; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app. 466c; 50 USC app. 5; PL 106–387; PL 107–56; EO 11912; EO 12002; EO 12058; EO 12214; EO 12851; EO 12854; EO 12918; EO 12938; EO 12947; EO 12981; EO 13020; EO 13026; EO 13099; EO 13222; EO 13224; EO 13338; 30 USC 185(u)

CFR Citation: 15 CFR 730; 15 CFR 738; 15 CFR 740; 15 CFR 748; 15 CFR 756; 15 CFR 762; 15 CFR 764; 15 CFR 766; 15 CFR 772; 15 CFR 774

Legal Deadline: None

Abstract: This rule makes technical corrections and procedural changes to the Export Administration Regulations. Specifically, it: Updates the description of BIS's general plan of organization in section 730.4; revises and shortens the description of the scope of the Commerce Country Chart in section 738.3(a); clarifies availability of License Exception TMP for exhibition and demonstration in Country Group D:1; clarifies availability of License Exception TMP for reexports of kits of replacement parts to Country Group D:1; adds the Under Secretary for Industry and Security as an official who may determine whether information subject to section 12(c) of the Export Administration Act may be released to the public to conform to actual agency practice; removes a superfluous statement about responsibility to classify items from section 748.3(a); revises the description of emergency processing of license applications to conform to current agency practice; corrects a citation to the recordkeeping requirements pertaining to certificates or other documents obtained in connection with exports subject to the Inter-American Firearms Convention; redesignates two paragraphs in section 748.11 to conform to the standard Code of Federal Regulations structure; sets the value of aircraft and vessels on temporary sojourn to $0 for license application purposes to prevent confusing statistical values of items licensed for export to embargoed destinations; revises the titles of the head and deputy head of BIS in part 756 (Appeals) to conform to the currently applicable Departmental Organizational Orders; corrects a citation error in the prohibition against concealment or misrepresentation of facts and adds another citation to clearly distinguish the export control documents from the boycott report documents that are subject to section 764.2(g); revises the titles of the head of BIS in part 766 (Administrative Enforcement Proceedings) to conform to

the currently applicable Departmental Organizational Orders; revises the definition of the term ''controlled country'' to make clear that they are countries subject to national security export controls, to add two previously omitted countries, and to reflect the shift of North Korea from Country Group E:2 to D:1; removes a reference to a no longer existent technical note and corrects the name of another document referenced in ECCN 1C018; and revises the ECCN 3A001 License Exceptions paragraph to exclude certain commodities controlled for missile technology reasons consistent with section 740.2(a)(5).

Timetable:

Action	Date	FR Cite
Final Rule	02/18/05	70 FR 8245

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD32

374. • DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM: ELECTRONIC TRANSMISSION OF REASONS FOR REJECTING RATED ORDERS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2061 et seq; 42 USC 5195 et seq; EO 12919; 50 USC app 468; 10 USC 2538; 50 USC 82; EO 12742; EO 12656

CFR Citation: 15 CFR 700

Legal Deadline: None

Abstract: This rule amends section 700.13(d) of the Defense Priorities and Allocations System (DPAS) regulations to allow a person who has rejected a rated order to give his or her reasons for the rejection in writing or through electronic means rather than requiring the person to submit the rationale in writing (not electronically).

Timetable:

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67872
Final Action	03/07/05	70 FR 10864

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steve Baker, Export Specialist, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230
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RIN: 0694–AD35

375. • REVISION OF LICENSE EXCEPTION TMP FOR ACTIVITIES BY ORGANIZATIONS WORKING TO RELIEVE HUMAN SUFFERING IN SUDAN

Priority: Other Significant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; PL 106–387; EO 13026; EO 13222

CFR Citation: 15 CFR 740

Legal Deadline: None

Abstract: This rule revises license exception TMP to allow employees and staff of certain organizations to take equipment such as portable telephones, personal computers and global positioning system receivers to Sudan for up to one years to facilitate the work of those organizations. The organizations covered by this rule are organizations registered by the Treasury Department, Office of Foreign Assets Control pursuant to 31 CFR section 538.521d and organizations that have been authorized by the Office of Foreign Assets Control to take, for humanitarian purposes, actions that would otherwise violate the Sudanese Sanctions Regulations (31 CFR part 538).

Timetable:

Action	Date	FR Cite
Final Action	02/18/05	70 FR 8251
Correction	02/28/05	70 FR 9703

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th and Pennsylvania Avenue, NW., Washington, DC 20230
Phone: 202 482–2440
Fax: 202 482–3355
Email: warvin@bis.doc.gov

RIN: 0694–AD38

376. • REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON THE 2004 MISSILE TECHNOLOGY CONTROL REGIME PLENARY AGREEMENTS; ADDITIONS TO THE ENTITY LIST; REVISIONS TO THE MISSILE CATCH–ALL CONTROLS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 22 USC 3201; EO 12851; . . .

CFR Citation: 15 CFR 740; 15 CFR 744; 15 CFR 772; 15 CFR 774

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR), including various entries on the Commerce Control List (CCL), to reflect changes to the Missile Technology Control Regime (MTCR) Annex that were agreed to by MTCR member countries at the October 2004 Plenary in Seoul, South Korea. In addition to these changes, the EAR provide that the Bureau of Industry and Security (BIS) may inform exporters, individually or through amendment to the EAR, that a license is required for exports or reexports to certain entities. The EAR contain a list of such entities called the Entity List. This rule adds to the Entity List four entities located in Syria. Lastly, this rule revises the missile catch-all controls for Restrictions on Certain Rocket Systems, by clarifying that the general prohibition includes a license requirement for items that will be used, anywhere in the world except by governmental programs for nuclear weapons delivery of NPT Nuclear Weapons States that are also members of NATO, in the design, development, production or use of rocket systems or unmanned air vehicles, regardless of range capabilities, for the delivery of chemical, biological, or nuclear weapons.

Timetable:

Action	Date	FR Cite
Final Action	02/10/05	70 FR 11858

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

DOC—BIS — Completed Actions

Agency Contact: Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania NW., Washington, DC 20230
Phone: 202 482–3371
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RIN: 0694–AD42

377. • DENIED PERSONS AND SPECIALLY DESIGNATED NATIONALS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; EO 12938; EO 13020

CFR Citation: 15 CFR 732; 15 CFR 736; 15 CFR 758; 15 CFR 764; 15 CFR 766; 15 CFR 772

Legal Deadline: None

Abstract: This final rule removes all references in the Export Administration Regulations (EAR) to the supplement containing the list of persons denied export privileges (i.e., the ''Denied Persons List'' or DPL), because no such supplement exists in the Code of Federal Regulations, Title 15 Part 764. The DPL is described, but not published, in the Code of Federal Regulations. This change is also being made because the Bureau of Industry and Security (BIS) is discontinuing its practice of including unofficial versions of both the DPL and the ''Specially Designated Nationals and Blocked Persons'' (SDN) List in the unofficial loose-leaf edition of the EAR that is available by subscription from the U.S. Government Printing Office (GPO). Revisions to the DPL and SDN List are issued frequently enough as to make the quarterly, hard-copy versions of the lists inaccurate. The removal of these lists from the loose-leaf edition of the EAR will eliminate the possibility that any violations of the EAR would occur due to reliance upon outdated information contained in these lists.

Timetable:

Action	Date	FR Cite
Final Rule	02/23/05	70 FR 8718

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marcus Cohen, Regulatory Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th St. & PA Ave., N.W., Room 2705, Washington, DC 20230
Phone: 202 482–2440
Email: mcohen@bis.doc.gov

RIN: 0694–AD43

Department of Commerce (DOC) — Prerule Stage
National Institute of Standards and Technology (NIST)

378. • DRAFT FEDERAL INFORMATION PROCESSING STANDARD (FIPS) 201, PERSONAL IDENTIFICATION VERIFICATION FOR FEDERAL EMPLOYEES AND CONTRACTORS

Priority: Other Significant

Legal Authority: HSPD 12; PL 107–347

CFR Citation: None

Legal Deadline: None

Abstract: The President tasked the Secretary of Commerce to promulgate, in accordance with applicable law, a Federal standard for secure and reliable forms of identification for Federal employees. The Federal Information Processing Standard (FIPS) 201, Personal Identification Verification for Federal Employees and Contractors (FIPS 201) would specify the minimum necessary technical and operational requirements for such Federal identification credentials.

Timetable:

Action	Date	FR Cite
Notice	11/23/04	69 FR 68128
Notice	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: William Barker, Computer Security Division, Department of Commerce, National Institute of Standards and Technology, Gaithersburg, MD 20899
Phone: 301 975–8443
Email: william.barker@nist.gov

RIN: 0693–AB54

Department of Commerce (DOC) — Prerule Stage
National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

379. • AMERICAN LOBSTER FISHERY; FISHING EFFORT CONTROL MEASURES TO COMPLEMENT INTERSTATE LOBSTER MANAGEMENT RECOMMENDATIONS BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION

Priority: Other Significant

Legal Authority: 16 USC 5101 et seq

CFR Citation: 50 CFR 697

Legal Deadline: None

Abstract: NMFS announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone (EEZ) associated with effort control measures as recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (ASFMC) as outlined in the Interstate Fishery Management Plan for American Lobster (ISFMP). This action will evaluate effort control measures in certain Lobster Conservation Management Areas including: limits on future access based on historic participation criteria; procedures to allow trap transfers among qualifiers and impose a trap reduction or conservation tax on any trap transfers; and, implement a trap reduction schedule to meet the goals of the ISFMP.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/05	

DOC—NOAA

Prerule Stage

Action	Date	FR Cite
ANPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

URL For More Information: http://www.nero.noaa.gov/statefedoff

URL For Public Comments: http://www.nero.noaa.gov/nero/comments/index.html

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT31

Department of Commerce (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

NATIONAL MARINE FISHERIES SERVICE

380. AMENDMENT 12 TO THE FISHERY MANAGEMENT PLAN FOR THE CRUSTACEAN FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, September 2005, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: Amendment 12 to the Crustaceans FMP would establish the U.S. EEZs around the Commonwealth of the Northern Mariana Islands and U.S. Pacific remote island areas as crustaceans management areas and establish permit and reporting requirements for the crustacean fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AL67

381. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, October 2005, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: Amendment 7 to the Bottomfish FMP would close all Federal waters within 50 nm around Guam to bottomfish fishing vessels greater than 50 feet in length and establish permit and reporting requirements for these vessels.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AM98

382. AMENDMENT 18A TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: Final, Statutory, February 2006, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: Amendment 18A would address several administrative, enforcement, and monitoring issues in the Gulf of Mexico Reef Fish Fishery including: (1) the use of VMS (2) the use of reef fish as bait, (3) the simultaneous possession of commercial and charter vessel permits on a vessel, and (4) maximum crew size on a charter vessel when fishing commercially. Additionally, the amendment would address release gear and protocols for releasing sea turtles.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AN09

383. MEASURES TO PREVENT OR MITIGATE AND CONSERVE, MANAGE, AND ALLOW FULL UTILIZATION OF SHARKS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, March 2006, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: Implement Amendment 9 to the western Pacific pelagics FMP, which would establish trip limit for non-blue sharks in the Hawaii-based longline fishery, establish a new definition for bottom longline and prohibit its use in the Hawaiian Islands and other management measures to protect and conserve shark resources in the region.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AN76

384. REGULATORY AMENDMENT MODIFYING THE GULF OF MEXICO BRD FRAMEWORK UNDER THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO (FMP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: Final, Statutory, September 2005, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: In accordance with the FMP's framework procedure for regulatory adjustments, the Gulf Council requested that NMFS develop alternative data collection procedures and statistical tests to certify bycatch reduction devices (BRDs) for use in the shrimp fishery of the Gulf of Mexico. The regulation would provide additional flexibility in sampling procedures to facilitate BRDs meeting the testing/certifying protocol's requirements while maintaining the scientific and statistical credibility in achieving the FMP's established bycatch reduction criterion for certified BRDs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AN84

385. REVISION OF AMERICAN LOBSTER REGULATIONS FOR THE EEZ

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 5101 et seq

CFR Citation: 50 CFR 697

Legal Deadline: None

Abstract: In accordance with the Atlantic Coastal Fisheries Cooperative Management Act (Act), 16 USC et seq., NMFS announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone in response to recommendations from the Atlantic States Marine Fisheries Commission to NMFS in Addenda II and III to Amendment 3 to the Interstate Fishery Management Plan for American Lobster (ISFMP). This action would develop regulations relative to Addendum III to the ISFMP, and combine those with Addendum II (ANPRM and NOI published May and September of 2001, respectively) into a single environmental impact statement. Addendum II management measures would include minimum gauge size increases in five of the seven Lobster Conservation Management Areas (LCMA), lobster trap gear modifications, a 4-year lobster trap reduction schedule for LCMA 3, and a logbook requirement for LCMA 3 lobster vessels. Addendum III would further modify Addendum II's gauge increase schedule and include new management measures for the majority of the LCMAs.

Timetable:

Action	Date	FR Cite
ANPRM	05/24/01	66 FR 28726
ANPRM Comment Period End	06/25/01	
ANPRM	09/05/02	67 FR 56800
ANPRM Comment Period End	10/07/02	
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Thomas Meyer, Fisheries Biologist, Office of Intergovernmental/Recreational Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Suite 425, 8484 Georgia Avenue, Silver Spring, MD 20910
Phone: 301 427–2014

RIN: 0648–AP18

386. REGULATORY AMENDMENT TO IMPLEMENT PERMIT STACKING IN THE LIMITED–ENTRY FIXED–GEAR SABLEFISH FISHERY IN 2005 AND BEYOND

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, Final rule must be published 30 days after end of comment period on the proposed rule.

Abstract: This regulatory amendment would implement the following Amendment 14 provisions: permit owners will be required to provide detailed ownership information to ensure that no person has ownership interest in or holds more than three permits; current permit owners who were not permit owners before November 1, 2000, will be required to be on board the vessel fishing against the sablefish cumulative limits

associated with that vessel's permit(s); vessels landing sablefish against their primary season limits will be required to contact enforcement officials before making sablefish landings; vessel owners wishing to freeze sablefish at sea will be required to provide proof of a history of freezing sablefish at sea in the years 1998, 1999, or 2000.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AP38

387. COMPREHENSIVE AMENDMENT ADDRESSING SUSTAINABLE FISHERIES ACT REQUIREMENTS REGARDING OVERFISHING, BYCATCH, FISHING COMMUNITIES AND PROVISIONS FOR FISHERY MANAGEMENT PLANS FOR THE CARIBBEAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: Final, Statutory, November 2005, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: NMFS amends its regulations to implement the Comprehensive Amendment Addressing the Sustainable Fisheries Act provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) in the fishery management plans (FMPs) of the U.S. Caribbean. Specifically, the amendment includes actions to define fishery management units and sub-units; specifies biological reference points and stock status determination criteria; regulates fishing mortality; rebuilds overfished fisheries; conserves and protects yellowfin grouper; and achieves the MSFCMA bycatch mandates. Also incorporated into this FMP amendment are alternatives to describe and identify essential fish habitat (EFH), and alternatives to address adverse effects of fishing on EFH. The intended effect of this action is to ensure the stewardship of living marine resources for the benefit of the Nation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	09/00/05	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AP51

388. ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES; AMENDMENT 9

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: Final, Statutory, Final regulations to be published within 30 days of the end of the NPRM comment period.

Abstract: Amendment 9 to the Fishery Management Plan for the Atlantic mackerel, squid, and butterfish fisheries would establish a controlled access program for mackerel, address essential fish habitat, and revise the Illex quota procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AP60

389. IMPLEMENTATION OF THE REGULATORY CHANGES RESULTING FROM THE AMENDMENTS AND EXTENSION OF THE SOUTH PACIFIC TUNA ACT

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 50 CFR 300

Legal Deadline: None

Abstract: This rulemaking would implement the regulatory changes resulting from the recently renegotiated Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America, as authorized under the South Pacific Tuna Act. These changes include the implementation of an electronic vessel monitoring system for U.S. purse seine vessels licensed to fish within the Treaty Area. The location information will be provided to the Forum Fisheries Agency, located in Honiara, Solomon Islands, as well as NOAA Fisheries. This rule would eliminate the prohibition of duly authorized U.S. longline vessels from fishing in the high seas areas within the Treaty Area. Additionally, it will impose minor modifications in the various reporting requirements, as well as modify the areas of fishing allowed in the exclusive economic zones of the Solomon Islands and Papua New Guinea.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Dr. Charles Karnella, Pacific Islands Area Office, Department of Commerce, National Oceanic and Atmospheric Administration, 1601

Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814–4700
Phone: 808 973–2985

RIN: 0648–AP61

390. AMENDMENT 71A TO THE FISHERY MANAGEMENT PLAN FOR THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This action will revise regulations governing the process under which a portion of the Bering Sea and Aleutian Islands quotas for groundfish, prohibited species, crab, and halibut are allocated to groups representing Western Alaska communities eligible for the Community Development Quota (CDQ) Program. The action also will revise administrative regulations for the economic development aspects of the CDQ Program. It will also allow the CDQ groups to invest in non-fisheries projects.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, State

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AP67

391. REGULATORY AMENDMENT TO ADJUST PERMIT RENEWAL REQUIREMENTS AND TRANSFERABILITY RESTRICTIONS IN NWHI'S HOOMALU ZONE AND MAU LIMITED ACCESS PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This regulatory amendment under the Bottomfish FMP would remove annual landings requirement for permit renewal, revise permit transferability restrictions, establish permit eligibility for the Mau Zone, and establish a mechanism to facilitate permits through a community development program in the Northwestern Hawaiian Islands bottomfish limited access programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	11/00/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

Related RIN: Merged with 0648–AK82

RIN: 0648–AQ20

392. FISHERIES OF THE UNITED STATES; NATIONAL STANDARD 1

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: NMFS is considering revisions to the national standard guidelines for national standard 1 that specify criteria for determining overfishing and establishing rebuilding schedules. There have been concerns expressed by the scientific community, fisheries managers, the fishing industry, and environmental groups regarding the appropriateness of some aspects of these guidelines.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/03	68 FR 7492
ANPRM Comment Period End	03/17/03	
Comment Period Extended	03/03/03	68 FR 9967
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mark Millikin, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2341

RIN: 0648–AQ63

393. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement a limited access program, implement management measures to management area 1A, and make other adjustments to the Atlantic Herring FMP.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	
NPRM Comment Period End	05/00/06	
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AQ87

394. TURTLE MITIGATION FOR NON–HAWAII–BASED PELAGIC LONGLINE AND NON–LONGLINE VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This regulatory amendment under the western Pacific pelagics FMP

would establish the following sea turtle mitigation measures: gear and handling requirements, protected species workshop attendance, and shallow-setting restrictions for vessels registered for use with western Pacific longline general permits and non-longline vessels using hooks to target pelagic management unit species.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AQ91

395. AMENDMENT 62 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUNDFISH FISHERY OF THE GULF OF ALASKA AND AMENDMENT 62 TO THE FMP FOR THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking would implement AFA single geographic location allowing AFA-qualified inshore floating processors the flexibility to relocate between reporting weeks rather than between fishing years for the purpose of processing targeted BSAI pollock. In addition, this rulemaking would address obsolete and inconsistent inshore/offshore language in both the BSAI and GOA groundfish FMPs and recommend removing the GOA inshore/offshore allocation sunset date.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR06

396. REGULATORY RULEMAKING TO REVISE ACCOUNTING FOR EXTERNALLY TAGGED HALIBUT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking would revise accounting procedures when deducting halibut catch from the Individual Fishing Quota (IFQ). Only those halibut with external tags are excluded from IFQ quota deduction.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR09

397. CATCHER VESSEL ELECTRONIC REPORT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: NMFS revises it regulations to allow the operator of a catcher vessel the option of using an NMFS-approved electronic version of the logbook in place of the paper logbook. Currently, paper daily fishing logbooks are required from catcher vessels greater than 60 feet in length overall. Requirements for completion and submittal of the logbooks exist in the regulations at 50 CFR part 679. Recent advances in technology have allowed catcher vessels to use an electronic version of the logbook to record the required information. The current regulations would be changed to reflect the different options available to catcher vessels when submitting data. The use of the electronic logbooks would not be required by NMFS at this time.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR30

398. ATLANTIC STRIPED BASS FISHERIES IN THE EEZ; MODIFICATION OF FEDERAL REGULATIONS

Priority: Other Significant

Legal Authority: 16 USC 1851

CFR Citation: 50 CFR 697

Legal Deadline: None

Abstract: NMFS announces that it is considering, and seeking public comment on, revisions to Federal Atlantic striped bass regulations for the U.S. Exclusive Economic Zone (EEZ) in response to recommendations from the Atlantic States Marine Fisheries Commission (Commission) to the Secretary of Commerce (Secretary). The Commission recommended that the Secretary remove the moratorium on the harvest of Atlantic striped bass in the EEZ after a 13-year closure; implement a 28-inch minimum size

limit for the recreational and commercial Atlantic striped bass fisheries in the EEZ; and allow states the ability to adopt more restrictive rules for fishermen and vessels licensed in their jurisdiction. NMFS is soliciting comments with this notice regarding possible management measures and issues that NMFS should consider relative to these recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/03	68 FR 43074
ANPRM Comment Period End	08/20/03	
Comment Period Extended	08/26/03	68 FR 51232
Notice of Intent	10/20/03	68 FR 59906
NPRM	11/00/05	
NPRM Comment Period End	01/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: Thomas Meyer, Fisheries Biologist, Office of Intergovernmental/Recreational Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Suite 425, 8484 Georgia Avenue, Silver Spring, MD 20910
Phone: 301 427–2014

RIN: 0648–AR33

399. AMENDMENT 13B TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER–GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: Amendment 13B will: (1) Redefine, as needed, the snapper-grouper fishery management unit (FMU) and FMU sub-units; (2) define biomass-based estimates of biological reference points and status determination criteria for all stocks/complexes that comprise the FMU; (3) establish rebuilding schedules based on biomass-based estimates of status determination criteria for all overfished stocks/complexes in the FMU; (4) establish control rules and implement management measures, as needed, to end overfishing and rebuild overfished stocks; (5) review the implementation of the Logbook/Atlantic Coastal Cooperative Statistics Program bycatch reporting program in the context of its consistency with the MSFCMA requirement to establish a standardized bycatch reporting methodology; (6) assess the practicability of additional bycatch reduction measures; and (7) assess the practicability of changes to the renewal period on commercial snapper-grouper permits.

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	
NPRM Comment Period End	04/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AR38

400. ATLANTIC HIGHLY MIGRATORY SPECIES; AMENDMENTS TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC TUNAS, SWORDFISH, AND SHARKS AND THE FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule will address numerous issues for the Atlantic tunas, swordfish, shark,and billfish fisheries. These issues include reviewing data for updates as part of a five-year review of essential fish habitat; considering workshops to reduce bycatch and bycatch mortality, increase regulatory compliance, and increase communication with fishermen; reviewing current time/area closures and the need for modifications; preventing overfishing of finetooth sharks and albacore tuna; adjusting bluefin tuna effort controls and quota allocations to improve management; considering changes to the fishing year definition and currently authorized gear types; and strengthening measures to reduce billfish mortality across all highly migratory species fisheries. This rule will also consider combining the two fishery management plans into one document.
This action would affect fishermen fishing for highly migratory species in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea. Many of the actions in this rule will simplify or improve the management of the fisheries to help fishermen understand the regulations and the management process. Other actions in this rule could change quota allocations, but would not likely change overall quotas. Additionally, while the actions may establish new requirements, such as workshops, or modify existing requirements, such as the time/area closures, the actions are not expected to reduce the number of people fishing for highly migratory species. Some actions, for example, modifications to time/area closures, could have negative or positive economic impacts, depending on the extent of the changes needed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

Related RIN: Merged with 0648–AR61

RIN: 0648–AR60

401. FULL RETENTION AND MONITORING PROGRAM IN THE SHOREBASED PACIFIC WHITING FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: The Pacific Fishery Management Council (Pacific Council) at their October 21 to 25, 1996, meeting in San Francisco, California addressed the treatment and disposition of salmon in the groundfish trawl fisheries, specifically the shore-based whiting fishery. At that meeting, the Pacific Council discussed the retention of salmon in the shore-based whiting fishery and took action to maintain a viable shore-based whiting fishery by using exempted fishing permits (EFPs). These EFPs allowed the shore-based whiting fleet to temporarily deliver unsorted catch to processing plants and provided for the monitoring of incidentally taken salmon until a permanent monitoring program could be implemented. In keeping with the Pacific Council's recommendation, NMFS is proceeding with implementing a monitoring program for the shore-based whiting fishery. This action will aid in the sustainable management of Pacific Coast salmon and groundfish fisheries while providing an important economic opportunity to those associated with the harvest, processing, and selling of whiting taken by the shore-based whiting fleet. The need for implementing a permanent monitoring program in the shore-based Pacific whiting fishery is to provide for a full retention fishery by enabling the shore-based whiting fleet, comprised exclusively of catcher vessels, to deliver unsorted catch to processing plants. This practice is necessary to ensure that whiting landings are of market quality, while abiding by Federal groundfish regulations and those implementing the Pacific Coast salmon and groundfish fishery management plans (FMPs).

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	01/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AR63

402. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: Amendment 8 would establish bottomfish management areas in Federal waters around the Commonwealth of the Northern Mariana Islands and the Pacific Remote Island Areas, add 48 bottomfish management unit species, and establish permit and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AR65

403. REGULATORY AMENDMENT TO ADD AND REVISE CERTAIN SPECIES CODES IN 50 CFR 679

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This regulatory amendment would add or revise species codes to an existing collection. These changes are done in coordination with Alaska Department of Fish and Game. The species codes currently in use are presented in table 2 to part 679. Code 112, Pacific hake, would be added because fishermen in the EEZ off the coast of Alaska are now catching more of this fish species and need a way to document the weight. Code 702, Big Skate, would be added because State of Alaska and NMFS management need to identify the catch of this species specifically rather than in the miscellaneous code 700, General Skates. Code 932, Opilio Tanner Crab, would be renamed as Snow Tanner Crab because this revised name is more common among the fishing industry. These changes in the species codes are not controversial and are expected to be supported by all interested entities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR67

404. AMENDMENT 72 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUNDFISH OF THE GULF OF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This action would eliminate an existing requirement under the Improved Retention/Improved Utilization (IR/IU) program that groundfish fisheries retain shallow water flatfish in the Gulf of Alaska (GOA). This action may relieve some harvesting and utilization restrictions

on GOA groundfish harvesting and processing operations. It follows a parallel action taken in the BSAI to relieve those groundfish fisheries from requirements to retain all IR/IU flatfish species.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR72

405. REVISIONS TO REVISE THE DEFINITIONS OF EXEMPTED FISHING AND SCIENTIFIC RESEARCH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: NMFS amends the regulations at 50 CFR 600.745. The action is intended to provide clearer guidance to the public for obtaining appropriate acknowledgments and permits and to facilitate the timely conduct of research to address bycatch and habitat issues in the fisheries.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AR78

406. GEAR IDENTIFICATION MARKINGS ON BUOYS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rule would revise requirements for markings on buoys as described at 679.24(a) by removing the requirement to mark the vessel's name on all hook and line, longline pot, and pot and line marker buoys carried on board or used by any vessel regulated by 50 CFR part 679. The buoys could then be marked with either the vessel's Federal fisheries permit number or the vessel's ADF&G vessel registration number.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	
Final Action	02/00/06	
Final Action Effective	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR90

407. FISH AND SEAFOOD PROMOTION ACT

Priority: Other Significant

Legal Authority: 16 USC 4001 to 4017

CFR Citation: 50 CFR 270

Legal Deadline: None

Abstract: In 1989, NOAA issued a final rule implementing the Fish and Seafood Promotion Act of 1986 (Act), as it pertains to seafood marketing councils for one or more species of fish or fish products. The rule was stricken from the Code of Federal Regulations as part of a Presidential regulatory reform effort along with a large number of other rules and regulations unused or little used. In light of evidence that seafood marketing councils may be a valuable tool in the near future NOAA now plans to reissue this rule which governs the establishment and operations of such councils. This rule is intended to implement the Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gordon Helm, Deputy Director, Office of Constituent Affairs, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2379

RIN: 0648–AS09

408. COMMUNITY DEVELOPMENT QUOTA REGULATORY AMENDMENT TO MODIFY SEVERAL FISHERY MANAGEMENT ELEMENTS OF THE CDQ PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This regulatory amendment would modify several fishery management elements of the CDQ Program, including: how to address which annual CDQ reserves should be allocated among CDQ groups; relaxing strict quota accountability standards; and determining a means to accommodate changes made in the annual specifications process to preexisting CDQ percentage allocations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region,

Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS13

409. AMENDMENT 13 TO FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO, U.S. WATERS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: The Gulf of Mexico Fishery Management Council is developing Amendment 13 to establish a permitting system for the royal red shrimp fishery that is complementary to the existing permit system for the penaeid shrimp fishery. In accordance with requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the Amendment also will establish or revise stock status thresholds and targets including MSY, OY, as well as the ''overfished'' and ''overfishing'' definitions for the shrimp species in the management unit, and a bycatch reporting methodology.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS15

410. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE SOUTH ATLANTIC REGION

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: The South Atlantic Fishery Management Council is developing Amendment 6 to refine and revise the management strategy for the various shrimp stocks. A permitting and reporting system will be established for the shrimp fishery of the South Atlantic exclusive economic zone. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, the amendment will revise or establish stock status thresholds and targets including MSY, OY, as well as the ''overfished'' and ''overfishing'' definitions for the shrimp species in the management unit. Additional actions will address bycatch reduction in the fisheries, as well as establish bycatch reporting requirements.

Timetable:

Action	Date	FR Cite
Notice	03/07/05	70 FR 10931
Comment Period End	05/06/05	
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS16

411. AMENDMENT 14 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management would revise the allocation of summer flounder quota.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	
NPRM Comment Period End	05/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS22

412. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE TILEFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: Amendment 1 to the Fishery Management Plan for the Tilefish Fishery would implement Individual Transferable Quotas in the tilefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS25

413. REGULATORY AMENDMENT TO ESTABLISH MEASURES AUTHORIZING THE OPTIONAL USE OF ELECTRONIC LOGBOOK FORMS IN THE WESTERN PACIFIC FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, March 2006, Final, Statutory, Final regulations must be published within 30 days of NPRM comment period.

Abstract: This regulatory amendment, under the western Pacific Pelagics FMP, would allow fishermen the option of using logbook forms in substitution of paper logbook forms for Federal data recording and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	01/00/06	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AS29

414. MEASURES TO REDUCE INTERACTIONS WITH SEABIRDS IN THE HAWAII–BASED LONGLINE FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This regulatory amendment under the western Pacific pelagics FMP would revise current seabird interaction mitigation measures governing the Hawaii-based pelagic longline fishery that may include longline gear side-setting methods, as well as other equally or more effective measures, to reduce the take of seabirds.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AS30

415. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE PRECIOUS CORALS FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, Final, Statutory, Final regulations must be published within 30 days of NPRM comment period.

Abstract: Amendment 6 to the Precious Corals FMP would designate the U.S. EEZ around the Northern Mariana Islands as an exploratory X-P-C and establish permit and reporting requirements, and harvest quota.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AS31

416. FRAMEWORK 1 TO THE RED CRAB FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This framework would implement a multi-year specification process for the deep sea red crab fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS35

417. FEE SYSTEM FOR REPAYMENT OF THE LOAN TO HARVESTERS OF PACIFIC GROUNDFISH FISHERY AND CALIFORNIA, WASHINGTON, AND OREGON FISHERIES FOR DUNGENESS CRAB AND PINK SHRIMP

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1861 a(b) to 1861 a(e)

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: This action implements a fee system for repayment of the fishing capacity reduction loans in the Pacific coast groundfish fishery and California, Oregon, and Washington dungeness crab and pink shrimp fisheries.

Timetable:

Action	Date	FR Cite
NPRM	11/16/04	69 FR 67100
NPRM Comment Period End	12/16/04	
Second NPRM	04/08/05	70 FR 17949
Second NPRM Comment Period End	05/09/05	
Review of Comments	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: Michael L. Grable, Chief, Financial Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2390
Email: michael.grable@noaa.gov

RIN: 0648–AS38

418. FEE SYSTEM FOR REPAYMENT OF THE LOAN TO HARVESTORS OF BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1861a; 46 USC 1279f; PL 106–554

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: This action would implement a fee system for repayment of the fishing capacity reduction loans in the Bering Sea/Aleutian Islands king and tanner crab fisheries.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael L. Grable, Chief, Financial Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2390
Email: michael.grable@noaa.gov

RIN: 0648–AS46

419. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REDUCING SEA TURTLE TAKES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This action would amend the regulations governing the Atlantic pelagic longline fishery based upon a June 1, 2004, Biological Opinion regarding Atlantic sea turtles. This amendment could include framework mechanisms that would allow the Agency to take action, such as partial or rolling closures or gear or effort restrictions, if the number of sea turtle interactions or mortalities exceed anticipated levels during a certain period of time. This action would not change established quotas for target species and is not expected to change overall effort in the fishery.

Timetable:

Action	Date	FR Cite
ANPRM	08/12/04	69 FR 49858
ANPRM Comment Period End	10/12/04	
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AS49

420. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC MACKEREL

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, July 1, 2005.

Abstract: NMFS announces the annual harvest guideline for Pacific mackerel in the exclusive economic zone off the Pacific coast. The Coastal Pelagic Species Fishery Management Plan (FMP) and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel based on a formula in the FMP. The intended effect of this action is to establish allowable harvest levels for Pacific mackerel off the Pacific coast and to minimize the impact on other coastal pelagic fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980–4040

RIN: 0648–AS59

421. ESTABLISH MANAGEMENT MEASURES FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS BOTTOMFISH FISHERY UNDER THE WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUNDFISH FMP

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, February 2005.
Final, Statutory, April 2005.
Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: This regulatory amendment under the western Pacific Bottomfish/Seamount Groundfish FMP would establish measures including limits on bottomfish harvest, reporting requirements, area closures, and gear vessel restrictions in the Commonwealth of the Northern Mariana Islands.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	01/00/06	
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator,

Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AS63

422. REVISE PRECIOUS CORAL MEASURES TO INCREASE THE PROTECTION OF BLACK CORAL RESOURCES IN HAWAII

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, February 2005.
Final, Statutory, May 2005.
Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: This regulatory amendment under the western Pacific Precious Corals FMP would revise the minimum harvest size for black corals and other measures to protect and conserve Hawaii black corals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	11/00/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AS64

423. GENERIC AMENDMENT TO PROVIDE FOR REGULATIONS OF OFFSHORE AQUACULTURE OF SELECTED FISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: This action would: (1) Summarize existing Gulf Federal statutes, programs and rules that apply to aquaculture of fish and marine organisms in waters of the EEZ; (2) list the fishery stocks that may be cultured in an aquaculture program; (3) discuss the environmental and other effects of the various aquaculture practices; (4) establish a permitting with conditions and requirements for permit issuance and renewal; (5) establish allowable marine aquaculture systems; (6) establish additional regulations to aid in the enforcement of marine aquaculture activities; and (7) consider designating areas for siting aquaculture facilities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	
NPRM Comment Period End	03/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS65

424. GENERIC AMENDMENT FOR ADDRESSING ESSENTIAL FISH HABITAT REQUIREMENTS, HABITAT AREAS OF PARTICULAR CONCERN, AND GEAR RESTRICTIONS FOR ALL FISHERY MANAGEMENT PLANS OF THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: NPRM, Statutory, April 2005.
Final, Statutory, June 2005.

Abstract: This action would amend all seven of the Council's fishery management plans and proposes alternatives that will: (1) Describe and identify essential fish habitat (EFH) and habitat areas of particular concern (HAPC) for all species and life stages in the fishery management unit of the Gulf of Mexico; and (2) minimize to the extent practicable the adverse effects of fishing gear or activities on EFH.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS66

425. AMENDMENT 25 TO THE REEF FISH FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES IN THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: Amendment 25 would address whether to allow the current moratorium on the issuance of charter vessel/headboat (recreational for-hire) permits to expire on June 16, 2006, to extend the moratorium for a finite period (5 or 10 years), or replace the moratorium with a limited access system.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	01/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305

Fax: 727 570–5583

RIN: 0648–AS68

426. AMENDMENT 24 TO THE REEF FISH FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES IN THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: Amendment 24 would address whether to allow the current moratorium on the issuance of reef fish permits to expire on December 31, 2005, and the reef fish fishery to revert to open access, to extend the moratorium for a finite period (5 or 10 years), or to replace the moratorium with a limited access system.

Timetable:

Action	Date	FR Cite
NPRM	04/06/05	70 FR 17401
NPRM Comment Period End	06/06/05	
NPRM	04/23/05	70 FR 21170
NPRM Comment Period End	06/09/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS69

427. AMENDMENT 17 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: Amendment 17 would address whether to allow the current moratorium on the issuance of charter vessel/headboat (recreational for-hire) permits to expire on June 16, 2006, or to extend the moratorium for a finite period (5 or 10 years), or replace the moratorium with a limited access system.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS70

428. ESTABLISH MANAGEMENT MEASURES FOR THE WESTERN PACIFIC SQUID FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: Under an amendment to the Western Pacific Pelagics FMP, pelagic squid would be designated as a management unit species and measures would be established, governing the pelagic squid fishery in western Pacific region.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AS71

429. AMENDMENT TO REGULATIONS IMPLEMENTING THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT OF 1984

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 2431 et seq

CFR Citation: 50 CFR 300 subpart G

Legal Deadline: None

Abstract: This amendment to regulations for Antarctic Marine Living Resources implements measures adopted by the parties to the Convention on the Conservation of Antarctic Marine Living Resources.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–1917
Email: john.dunnigan@noaa.gov

RIN: 0648–AS75

430. INDIVIDUAL FISHING QUOTA PROGRAM; RESTRUCTURE DATE–SPECIFIC QUOTA SHARE REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 773 to 773k; 16 USC 1801; 16 USC 3631

CFR Citation: 50 CFR 679; 50 CFR 300

Legal Deadline: None

Abstract: This action would restructure date-specific regulations governing the halibut U.S. Individual Fishing Quota fishery to reference a time, relative to the season opening and closing dates, when operational events should occur relative to certain fishing season milestones. This action is necessary to provide the International Pacific

Halibut Commission (IPHC) with flexibility to adjust fishing season durations and time periods to meet fishery management needs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS77

431. CORRECT AND CLARIFY AMENDMENT 13 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action makes corrections and clarifications to the final rule implementing Amendment 13, as well as previous groundfish actions. These corrections are administrative in nature and are intended to correct inaccurate references and other inadvertent errors and to clarify specific regulations to maintain consistency with the intent of Amendment 13.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS80

432. • HALIBUT AND SABLEFISH IFQ PROGRAM AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq; 16 USC 773 et seq

CFR Citation: 50 CFR 300; 50 CFR 679

Legal Deadline: None

Abstract: The proposed action would amend regulations for the Halibut and Sablefish IFQ Program by: (1) Instituting an emergency medical transfer program; (2) tightening criteria for the use of hired masters; (3) adding vessel clearance requirements to the sablefish fisheries in the Bering Sea and Aleutian Islands; (4) changing product recovery rates for sablefish; (5) adjusting the halibut QS block program; and (6) amending vessel classification QS use allowances.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS84

433. • FMP FOR THE SCALLOP FISHERY OFF ALASKA AMENDMENT 10

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 773; 16 USC 1801; 16 USC 3631

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking would modify the gear endorsements under the a license limitation program (scallop LLP) for the scallop fishery. The LLP limits access to the commercial scallop fisheries in the exclusive economic zone (EEZ) off Alaska. This rulemaking would change the 6-foot dredge restriction endorsement in the scallop LLP to two 10-foot dredge (or two dredges with a combined width of 20 ft) restriction endorsement. This change would allow two LLP holders with the current endorsement to fish in federal waters outside Cook Inlet with a maximum of two ten-foot dredges.

Timetable:

Action	Date	FR Cite
PR/Notice of Availability	03/24/05	70 FR 15063
NOA/Comment Period End	05/23/05	
NPRM	04/13/05	70 FR 19409
NPRM Comment Period End	05/31/05	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS90

434. • FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; WEST COAST SALMON FISHERIES; AMENDMENT 14; ESSENTIAL FISH HABITAT (EFH) DESCRIPTIONS FOR PACIFIC SALMON

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This action would implement Amendment 14 to the Pacific Salmon Fishery Management Plan (Salmon FMP) to identify and describe Essential Fish Habitat (EFH) for Pacific salmon. The intent of this rule is to codify the EFH identifications and descriptions for freshwater and marine habitats of Pacific salmon managed under the Salmon FMP, including Chinook, Coho, and Pink salmon in Washington, Oregon, and California. In addition, the intent of this rule is to comply with the October 1, 2003, court order of the U.S. District Court for the District of Idaho, and to promote the conservation and enhancement of Pacific salmon EFH.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AS96

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435. • AREA 4C/4D SELECTIVE IFQ/CDQ BOUNDARY PERMEABILITY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq; 16 USC 773 et seq

CFR Citation: 50 CFR 300; 50 CFR 679

Legal Deadline: None

Abstract: This action would allow holders of Area 4C halibut Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) to harvest such halibut IFQ/CDQ in Area 4D. Currently, halibut IFQ and CDQ allocated in a particular area may only be harvested in that same area, in accordance with biomass-based quotas, except that halibut CDQ (only) allocated in Area 4D may be harvested in Area 4E. This action would also allow additional fishing opportunities to attain the assigned Area 4C IFQ and CDQ quotas for two Pribilof Island communities (St. Paul and St. George) in Area 4C, which are managed by two CDQ groups.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AT03

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436. • AMENDMENT 79 TO THE FMP FOR THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA ESTABLISHING A GROUNDFISH RETENTION STANDARD

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 16 USC 1801 et seq; 16 USC 3631; 16 USC 773–773k

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: The rule implementing Amendment 79 to the Bering Sea and Aleutian Islands Groundfish FMP would establish a groundfish retention standard (GRS) for non-AFA catcher/processors that are 125 ft or greater in length overall (LOA). This rule would establish a year-round GRS of 75 percent in 2006 (that is, vessels would be required to retain at least 75 percent of their groundfish catch in the initial year of the program); 80 percent in 2007; and 85 percent in 2008. This action is intended to further minimize discards in the BSAI.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AT04

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437. • FRAMEWORK ADJUSTMENT 41 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would allow greater participation in the Closed Area I Hook Gear Haddock Special Access Program approved under Framework Adjustment 40 A to the Northeast Multispecies FMP. Specifically, limited access vessels would be able to use Category B DAS to target healthy stocks of groundfish (haddock) in an area previously closed to fishing. The intended effect of this action would be to provide fishing opportunities that would mitigate some of the negative economic and social impacts caused by the effort reductions in Amendment 13.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT08

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438. • IDENTIFY AND MANAGE ALASKA FISHERY MANAGEMENT PLANS FOR EFH AND HAPC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 679

Legal Deadline: Final, Judicial, August 13, 2006, Court settlement deadline.

Abstract: This rulemaking would identify essential fish habitat (EFH) and habitat areas of particular concern (HAPC) in Alaska waters and implement management measures for the conservation of these areas. Portions of EFH have been established as management areas, HAPC, and zones where fishing activities would be restricted. Vessels fishing in the Aleutian Islands subarea would also be required to carry vessel monitoring systems. The implementation of these regulations is necessary to comply with a national court settlement regarding EFH.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AT09

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439. • FRAMEWORK ADJUSTMENT 17 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: Framework Adjustment 17 would revise a provision included in the Atlantic Sea Scallop Fishery Management Plan that allows vessels to terminate special access area trips early for unforeseen events. The revised provision eliminates an automatic charge and associated reduction in possession limit by allowing vessels to resume trips into the special access areas without loss of allowed scallop possession limit. Framework Adjustment 17 would also require that all vessels issued open access, General Category scallop permits that intend to land more than 40 pounds of scallops be equipped with electronic vessel monitoring systems to allow fishing activity to be monitored and tracked for enforcement and fishery evaluation purposes. General Category scallop vessels operating vessel monitoring systems would be allowed to turn off the vessel monitoring systems if the vessel does not have any scallops on board and while the vessel is secured to a fixed dock or mooring

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT10

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440. • AMENDMENT 11 TO THE COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, September 2005.
Final, Statutory, December 2005.

Abstract: Amendment 11 would implement a comprehensive, long-term allocation framework for annual apportionment of the Pacific sardine harvest guideline. Objectives of the action would include ensuring optimal utilization of the resource and equitably allocating harvest opportunity.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980–4040

RIN: 0648–AT11

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441. • REGULATORY AMENDMENT TO THE REEF FISH MANAGEMENT PLAN TO SET RED GROUPER TAC AND SHALLOW–WATER GROUPER MANAGEMENT MEASURES FOR THE 2006–2008 SEASONS

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: On July 15, 2004, Secretarial Amendment 1 to the Reef Fish Fishery Management Plan was implemented and established a red grouper rebuilding plan made retroactive to 2003. The purpose of this regulatory amendment is to evaluate total allowable catch (TAC) increases for the 2006-2008 period in accordance with the projected red grouper rebuilding trajectories. In 2004, the commercial grouper fishery experienced quota closures for the first time. NMFS, in working with industry and the Gulf of Mexico Fishery Management Council, established trip limits through an emergency rule in March 2005 to postpone the quota closure. Thus, the regulatory amendment additionally evaluates grouper trip limit alternatives to postpone quota closures during the fishing season as seen in 2004. This amendment would make the trip limits permanent. Finally, the regulatory amendment evaluates the effect of unexpectedly high recreational landings in 2004 and will develop measures to constrain the recreational harvest to levels consistent with the rebuilding plan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AT12

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442. • TRANSFER OF MANAGEMENT AUTHORITY FOR THE ATLANTIC COAST RED DRUM RESOURCE FROM THE SOUTH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: The rule will revoke the federal Atlantic Coast Red Drum Fishery Management Plan under the Magnuson-Stevens Fishery Conservation and Management Act and transfer management authority from the South Atlantic Fishery Management Council to the Atlantic States Marine Fisheries Commission under the auspices of the Atlantic Coastal Cooperative Management Act. This action will maintain the prohibition on possession and harvest of red drum in the Exclusive Economic Zone.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AT13

443. • SPECIFICATIONS FOR THE 2006 ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish specifications for the 2006 fishing year for the Atlantic mackerel, squid, and butterfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT19

444. • SPECIFICATIONS FOR THE 2006 ATLANTIC BLUEFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement specifications for the 2006 fishing year for the Atlantic bluefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT20

445. • SPECIFICATIONS FOR THE 2006 ATLANTIC HERRING FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish specifications for the Atlantic herring fishery for the 2006 fishing year.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT21

446. • SPECIFICATIONS FOR THE 2006 MONKFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish specifications for the 2006 fishing year for the Monkfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT22

447. • FRAMEWORK 42 TO THE NORTHEAST MULTISPECIES FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would make biennial adjustments for the Northeast multispecies fishery.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and

Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT24

448. • FRAMEWORK 18 TO THE ATLANTIC SEA SCALLOP FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would make biennial adjustments to the Atlantic sea scallop fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT25

449. • FRAMEWORK 16 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: Framework 16 would provide alternatives for use of recreational data in setting specifications and to allow regional conservation equivalency.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT26

450. • SPECIFICATIONS FOR THE 2006 FISHING YEAR FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action will establish specifications for the 2006 fishing year for the Summer Flounder, Scup, and Black Sea Bass Fisheries.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT27

451. • SPECIFICATIONS FOR THE 2006 RECREATIONAL FISHERIES FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement the specifications for the 2006 fishing year for the summer flounder, scup, and black sea bass recreational fisheries.

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	
NPRM Comment Period End	03/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT28

452. • FRAMEWORK 1 TO THE SPINY DOGFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: Framework 1 would provide for multiple year specifications for the spiny dogfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AT29

453. • WEST COAST HIGHLY MIGRATORY SPECIES, CORRECTING AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, August 2005, Final rule must be published within 60 days of end of comment period on the proposed rule.

Abstract: This rule will make clarifications and corrections to the final rules published to implement the Fishery Management Plan for U.S. West Coast Highly Migratory Species.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	08/00/05	

Action	Date	FR Cite
Final Action	09/00/05	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802 Phone: 562 980–4040

RIN: 0648–AT32

454. • RESTRICTIONS FOR 2005 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 951 to961 and 971 et seq

CFR Citation: 50 CFR 300

Legal Deadline: Final, Statutory, July 1, 2005, agreement under IATTC.

Abstract: NMFS announces the 2005 conservation and management measures for international tuna fisheries in the eastern tropical Pacific Ocean. These are a six-week closure of purse seine fisheries and a closure of any national longline fishery which reaches a catch level for bigeye tuna equal to the catch made by that fleet in 2001. The intended effect of the rule is to establish prohibition of U.S. vessels purse seine fishing for tuna in the IATTC Convention Area for the November 20 to December 31 period and to announce that the U.S. longline fishery in the Convention Area will be closed if the catch in 2005 reaches the catch level of 2001. This will conform to the IATTC recommendation that was approved by the Department of State.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	06/00/05	
Final Action	07/00/05	
Final Action Effective	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802 Phone: 562 980–4040

RIN: 0648–AT33

455. • LIMITED ENTRY PROGRAM FOR LONGLINE AND DRIFT GILLNET VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, November 2005, Final rule must be published within 60 days of end of comment period on the proposed rule.

Abstract: This rule will establish a limited entry program and associated management measures for vessels fishing with longline and drift gillnet gear under the Fishery Management Plan for U.S. West Coast Highly Migratory Species.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	
Final Action	11/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802 Phone: 562 980–4040

RIN: 0648–AT35

456. TAKING AND IMPORTING MARINE MAMMALS: TAKING MARINE MAMMALS INCIDENTAL TO CONDUCTING OIL AND GAS EXPLORATION ACTIVITIES IN THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1371(a)(5)(A)

CFR Citation: 50 CFR 216.101 to 216.108

Legal Deadline: None

Abstract: The National Marine Fisheries Service has received an application from the U.S. Minerals Management Service for regulations under section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA) to authorize the taking of marine mammals incidental to conducting oil and gas exploration activities by U.S. citizens in the Gulf of Mexico. Without this authorization, the taking of marine mammals is prohibited by the MMPA. In order to authorize the taking and issue authorizations, NMFS must, through regulations, determine that the proposed activity will have no more than a negligible impact on the affected species and stocks of marine mammals.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East–West Highway, Silver Spring, MD 20912 Phone: 301 713–2055 Email: ken.hollingshead@noaa.gov

RIN: 0648–AQ71

457. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS

Priority: Other Significant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 224

Legal Deadline: None

Abstract: This action would implement modifications of the Atlantic Large Whale Take Reduction Plan (ALWTRP). The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act. The commercial fishery requirements provided in this rule are intended to implement the additional requirements recommended by the

Atlantic Large Whale Take Reduction Team and NMFS.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

RIN: 0648–AS01

458. RIGHT WHALE SHIP STRIKE REDUCTION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361

CFR Citation: 50 CFR 224

Legal Deadline: None

Abstract: These regulations are to implement a strategy to reduce the known mortalities to North Atlantic right whales as a result of collisions with vessels, which account for more confirmed right whale deaths than any other human-related activity. The strategy addresses the lack of recovery of the endangered North Atlantic right whale by reducing the likelihood and threat of ship strike mortalities to the species. NMFS has developed a framework of proposed, new operational measures for the shipping industry as an element of this strategy, including consideration of routing and speed restrictions. These operational measures would be limited to areas and times when North Atlantic right whales and ships overlap to reduce the likelihood of ship strikes to the extent practicable.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/04	69 FR 30857
ANPRM Comment Period Extended	07/09/04	69 FR 41446
ANPRM Comment Period Extended	09/13/04	69 FR 55135
NPRM	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.nmfs.noaa.gov/pr/pr2

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

RIN: 0648–AS36

459. • SEA TURTLE REQUIREMENTS FOR COMMERCIAL SCALLOP FISHING

Priority: Other Significant

Legal Authority: 16 USC 1531 to 1543; 16 USC 1361

CFR Citation: 50 CFR 223

Legal Deadline: None

Abstract: NMFS is preparing a rule to require sea turtle conservation measures for all scallop vessels fishing in the mid-Atlantic from May 1 through November 30 each year. Implemented under the Endangered Species Act, the purpose of this rulemaking is to minimize the take of sea turtles in scallop gear. This rule would require all scallop vessels, regardless of size or permit category, to modify their dredge(s) when fishing south of 41° 9.0' N. latitude, from the shoreline to the Exclusive Economic Zone. All dredges used for fishing must be modified with evenly spaced ''tickler'' chains and ''vertical'' (up-and-down) chains with the configuration dependent on the size of the dredge frame width.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

RIN: 0648–AS92

460. • TAKING MARINE MAMMALS INCIDENTAL TO OPERATION OF OFFSHORE OIL PRODUCTION FACILITIES IN BEAUFORT SEA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1371 et seq

CFR Citation: 50 CFR 200 to 210

Legal Deadline: None

Abstract: NOAA Fisheries is amending its regulations governing the taking of marine mammals incidental to operations at the Northstar oil production facility in the U.S. Beaufort Sea off Alaska. These revised regulations authorize the incidental, but not intentional, taking of small numbers of six species of marine mammals in the event that such taking occurred during the operation of the Northstar facility. Takings are limited to harassment and no injury or mortality of marine mammals is anticipated. Potential effects on native subsistence could result also from direct actions of oil development upon the biological resources or from associated changes in human behavior. As a result, in compliance with regulations, mitigation measures have been implemented that mitigates impacts on subsistence uses of marine resources.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

Related RIN: Related to 0648–AM09

RIN: 0648–AS98

461. • PROPOSED THREATENED STATUS FOR SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 to 1543; 16 USC 1361 et seq

CFR Citation: 50 CFR 223

Legal Deadline: NPRM, Judicial, April 1, 2005, District Court remanded ''not warranted'' determination to NMFS. Due to a court remand of our ''not warranted'' determination.

Abstract: This is a rule to list the Southern Distinct Population Segment (DPS) of green sturgeon as threatened under the Endangered Species Act. We conclude that the Southern DPS is not endangered because of actions being taken that provide some possible benefits to the DPS. However, the Southern DPS is threatened based on: (1) The reduction of potential spawning habitat; (2) the threats to the single remaining spawning population remaining severe and unlikely to be sufficiently alleviated by conservation measures currently in place; and (3) the downward trend of sturgeon salvage estimates from State (1968-2003) and Federal (1980-2003) facilities. The Northern DPS is neither endangered nor threatened, but remaining uncertainties have led us to retain the DPS on the ''species of concern'' list. Section 4(d) provides that the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of threatened species. We intend to publish a regulation under section 4(d) for the conservation of the Southern DPS of green sturgeon. We also may designate critical habitat, as long as we find that it is both prudent and determinable.

Timetable:

Action	Date	FR Cite
NPRM	04/06/05	70 FR 17386
NPRM Comment Period End	07/05/05	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332

RIN: 0648–AT02

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

462. NORTHWEST HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY; DESIGNATION AND IMPLEMENTATION OF REGULATIONS

Priority: Other Significant

Legal Authority: PL 106–513; 16 USC 1431 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The National Marine Sanctuaries Program, together with state and federal partners and other stakeholders, designate the Northwest Hawaiian Islands as a national marine sanctuary and implement regulations that best reflects the goals and objectives of the proposed sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Ted Beuttler, Department of Commerce, National Oceanic and Atmospheric Administration, SSMC4, Room 6111, East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2967
Email: ted.beuttler@noaa.gov

RIN: 0648–AS83

463. • GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1434; 16 USC 1439

CFR Citation: 15 CFR 922 (H)

Legal Deadline: None

Abstract: This action would amend the existing regulations and designation document, and add several new prohibitions to address specific resource management issues in the Gulf of the Farallones National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Maria Brown, Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Gulf of the Farallones National Marine Sanctuary, Fort Mason, Building 201, San Francisco, CA 94123
Phone: 415 561–6622
Fax: 415 561–6616
Email: maria.brown@noaa.gov

RIN: 0648–AT14

464. • MONETARY BAY NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1434; 16 USC 1439

CFR Citation: 15 CFR 922 (M)

Legal Deadline: None

Abstract: This action would amend the existing regulations and designation document, and add several new prohibitions to address specific resource management issues in the Monterey Bay National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William J. Douros, Superintendent, Department of Commerce, National Oceanic and Atmospheric Administration, Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940
Phone: 831 647–4201
Fax: 831 647–4250
Email: william.douros@noaa.gov

RIN: 0648–AT15

465. • CHANNEL ISLANDS NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1434; 16 USC 1439

CFR Citation: 15 CFR 922 (G)

Legal Deadline: None

Abstract: This action would amend the existing regulations and designation document to address specific resource management issues in the Channel Islands National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christopher Mobley, Superintendent, Department of Commerce, National Oceanic and Atmospheric Administration, Channel Islands National Marine Sanctuary, 113 Harbor Way, Suite 150, Santa Barbara, CA 93109
Phone: 805 966–7107
Fax: 805 568–1582
Email: chris.mobley@noaa.gov

RIN: 0648–AT17

466. • CONSIDERATION OF MARINE RESERVES AND MARINE CONSERVATION AREAS WITHIN THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1434; 16 USC 1439

CFR Citation: 15 CFR 922 (G)

Legal Deadline: None

Abstract: This action would amend the existing regulations and designation document for the Channel Islands National Marine Sanctuary. This action, which would complement existing marine protected areas designated by the State of California, seeks to further protect sanctuary resources by regulating certain extractive activities within the Channel Islands National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christopher Mobley, Superintendent, Department of Commerce, National Oceanic and Atmospheric Administration, Channel Islands National Marine Sanctuary, 113 Harbor Way, Suite 150, Santa Barbara, CA 93109
Phone: 805 966–7107
Fax: 805 568–1582
Email: chris.mobley@noaa.gov

RIN: 0648–AT18

OFFICE OF THE ADMINISTRATOR

467. • LICENSING OF PRIVATE LAND REMOTE–SENSING SPACE SYSTEMS

Priority: Other Significant

Legal Authority: 15 USC 5621

CFR Citation: 15 CFR 960

Legal Deadline: None

Abstract: The National Oceanic and Atmospheric Administration (NOAA) amends its regulations governing the licensing of private Earth remote sensing space systems under title II of the Land Remote Sensing Policy Act of 1992 (the Act). The amendments update the regulations to reflect: (1) The new U.S. policy on commercial remote sensing issued in April 2003, (2) experience gained since August 2000 with respect to the licensing of commercial remote sensing space systems, and (3) improvements that take into account public comments received on the regulations. This rule will allow NOAA to more effectively license Earth remote sensing space systems and help to ensure their compliance with the requirements of the Act.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Glenn E. Tallia, Senior Counselor for Atmospheric and Space Services and Research, NOAA, GC, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA GCW, 1315 East–West Highway, Room 15861, Silver Spring, MD 20910
Phone: 301 713–1337
Fax: 301 713–1494

RIN: 0648–AT00

468. • CORDELL BANK NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1434; 16 USC 1439

CFR Citation: 15 CFR 922 (K)

Legal Deadline: None

Abstract: This action would amend the existing regulations and designation document to address specific resource management issues in the Cordell Bank National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dan Howard, Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Cordell Bank National Marine Sanctuary, P. O. Box 159, Olema, CA 94950
Phone: 415 663–0314
Fax: 415 663–0315
Email: dan.howard@noaa.gov

RIN: 0648–AT16

Department of Commerce (DOC) — Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

469. REQUIRE MANDATORY OBSERVER COVERAGE IN THE AT–SEA PROCESSING SECTOR OF THE WHITING FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, May 2006, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: This action amends the regulations implementing the Pacific Coast Groundfish fishery management plan to provide for a mandatory, vessel-financed observer program on at-sea processing vessels.

Timetable:

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53334
NPRM Comment Period End	10/10/03	
Interim Final Rule	06/07/04	69 FR 31751
Interim Final Rule Comment Period End	07/07/04	
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AK26

470. PROPOSED HIGHLY MIGRATORY SPECIES PROCESS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: NMFS revises the administrative procedures it follows to prepare and issue highly migratory species (HMS) fishery management plans (FMPs), FMP amendments and implementing regulations for the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea in response to recent amendments to the Magnuson-Stevens Fishery Management Act.

Timetable:

Action	Date	FR Cite
NPRM	09/18/97	62 FR 48990
NPRM Comment Period End	10/15/97	
To Be Withdrawn	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–1917
Email: john.dunnigan@noaa.gov

RIN: 0648–AK40

471. AMENDMENT 2 TO MONKFISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: Amendment 2 to the Monkfish Fishery Management Plan would address essential fish habitat and bycatch issues and revise the management program.

Timetable:

Action	Date	FR Cite
NPRM	01/14/05	70 FR 2586
NPRM Comment Period End	02/14/05	
Comment Period Extended	02/24/05	70 FR 9029
Comment Period Extended	02/24/05	70 FR 9029
NPRM Comment Period Extended	03/07/05	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AQ25

472. ATLANTIC HIGHLY MIGRATORY SPECIES: BILLFISH AND SWORDFISH RECREATIONAL FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule would implement domestic management measures based upon recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding billfish and swordfish. The rule would limit domestic recreational landings of Atlantic blue and white marlin to 250 fish, combined, on an annual basis. Also, the rule would provide for adjustments for any landings above or below the annual cap to the following year's recreational marlin landings cap. The Atlantic blue and white marlin measures are necessary to comply with ICCAT obligations.

Timetable:

Action	Date	FR Cite
NPRM	09/17/03	68 FR 54410
NPRM Comment Period End	10/24/03	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AQ65

473. AMENDMENT 11 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION (AMERICAN SAMOA LONGLINE LIMITED ACCESS PERMIT PROGRAM)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: Amendment 11 would establish a limited access program for the pelagic longline fishery for the EEZ around American Samoa.

Timetable:

Action	Date	FR Cite
Notice	06/23/04	69 FR 34988
NPRM	07/22/04	69 FR 43789
NPRM Comment Period End	09/07/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AQ92

474. CDQ TRANSFER, ELIGIBLE VESSELS, AND FISHING PLAN REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rule would implement revisions to regulations governing the Western Alaska Community Development Quota Program. The revisions would simplify the process for making quota transfers, identifying eligible vessels, and obtaining approval of alternative fishing plans by removing some information requirements and by removing the requirement that applications for these actions be approved by the State of Alaska before being submitted to NMFS.

Timetable:

Action	Date	FR Cite
NPRM	11/26/04	69 FR 68865
NPRM Comment Period End	12/27/04	
Final Rule	03/24/05	70 FR 15010
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS00

475. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC SARDINE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC. 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, January 1, 2005, The CPS fisheries regulations require that the annual specs for Pacific sardine be published in the FR before January 1, the start of the fishing year.

Abstract: This action announces the annual harvest guideline for Pacific sardine in the exclusive economic zone off the Pacific coast. The Coastal Pelagic Species Fishery Management Plan (FMP) and its implementing regulations require NMFS to set an annual harvest guideline for Pacific sardine based on a formula in the FMP. The intended effect of this action is to establish allowable harvest levels for Pacific sardine off the Pacific coast and to minimize the impact on other coastal pelagic fisheries.

Timetable:

Action	Date	FR Cite
NPRM	12/07/04	69 FR 70973
NPRM Comment Period End	12/23/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980–4040

RIN: 0648–AS17

476. AMENDMENT 23 TO THE REEF FISH FISHERY MANAGEMENT PLAN TO SET VERMILION SNAPPER SUSTAINABLE FISHERIES ACT TARGETS AND THRESHOLDS AND TO ESTABLISH A PLAN TO END OVERFISHING AND REBUILD THE STOCK

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: In October 2003, the National Marine Fisheries Service (NMFS) issued a determination that the Gulf of Mexico vermilion snapper stock is overfished. The stock had been previously determined to be undergoing overfishing in November 1999. These determinations were based on vermilion snapper stock assessments conducted in 1999 and 2001. Once a stock has been determined to be overfished, the Magnuson-Stevens Act requires the Gulf of Mexico Fishery Management Council within one year to submit a plan to NMFS to end overfishing and rebuild the stock to a level capable of sustaining maximum sustainable yield on a continuing basis. This rebuilding plan contains alternatives that would rebuild the stock in less than 10 years. Measures to reduce commercial and recreational fishing mortality so that the stock can rebuild include vermilion snapper size limits, bag limits, trip limits, quotas, and closed seasons. In addition, alternatives for establishing vermilion snapper biological reference points and status determination criteria are included in the plan.

Timetable:

Action	Date	FR Cite
Notice	02/24/05	70 FR 9028
Notice Comment Period End	04/25/05	
NPRM	03/09/05	70 FR 11600
NPRM Comment Period End	04/25/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine

Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS19

477. ANNUAL RECREATIONAL SPECIFICATIONS FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY FOR FISHING YEAR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish the recreational specifications for fishing year 2005 for the summer flounder, scup, and black sea bass fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/15/05	70 FR 12639
NPRM Comment Period End	03/30/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS21

478. SPECIFICATIONS FOR THE 2005 FISHING YEAR FOR THE ATLANTIC HERRING FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement specifications for the 2005 fishing year (January 1, 2005-December 31, 2005) for the Atlantic herring fishery.

Timetable:

Action	Date	FR Cite
NPRM	01/31/05	70 FR 4808
NPRM Comment Period End	03/02/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS23

479. SPECIFICATIONS FOR THE SPINY DOGFISH FISHERY FOR FISHING YEAR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish specifications for the Spiny Dogfish Fishery for fishing year 2005 (May 1, 2005-April 30, 2006).

Timetable:

Action	Date	FR Cite
NPRM	03/28/05	70 FR 12168
NPRM Comment Period End	03/28/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS24

480. FRAMEWORK 40B TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This framework would implement measures to provide for use of regular B days-at-sea, new special access programs, and other measures related to the management of the Northeast Multispecies fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/29/05	70 FR 15803
NPRM Comment Period End	04/18/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS33

481. AMENDMENTS 18 AND 19 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS—CRAB RATIONALIZATION PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 679; 50 CFR 680

Legal Deadline: Other, Statutory, January 1, 2005, Secretary approval of statutorily mandated FMP Amendment.

Abstract: This action would rationalize the Bering Sea and Aleutian Islands crab fisheries in the United States Exclusive Economic Zone off Alaska by amending the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs. The goal of rationalization is to end the race for fish and solve the problems of overcapacity while providing for a balanced distribution of benefits and improving fisheries management and resource conservation.

Timetable:

Action	Date	FR Cite
Notice	09/01/04	69 FR 53359
NPRM	10/29/04	69 FR 63200
NPRM Comment Period End	12/13/04	
Final Action	03/02/05	70 FR 10174

Action	Date	FR Cite
Correction	03/18/05	70 FR 13097
Correction	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS47

482. AMENDMENT NUMBER 15 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: Amendment 15 provides alternatives to address the current commercial king mackerel permit moratorium that will be expiring on October 15, 2005. Alternatives include possible extensions of the moratorium for a finite period of time or to establish a limited access license for an indefinite period of time. Amendment 15 also provides alternatives to potentially change the fishing year for Atlantic migratory group king and Spanish mackerel from an April 1 through March 31 period to a March 1 through February 28/29 period or a January 1 through December 31 period.

Timetable:

Action	Date	FR Cite
Notice	03/07/05	70 FR 10933
Comment Period End	05/06/05	
NPRM	03/18/05	70 FR 13152
NPRM Comment Period End	05/02/05	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS53

483. 2005–2006 MANAGEMENT MEASURES FOR COMMERCIAL, RECREATIONAL, AND TREATY INDIAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, May 1, 2005, The fishery must open on May 1.

Abstract: The annual management measures for the 2004-20005 fishing year specify allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selective fisheries, and in-season notice procedures.

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AS58

484. ANNUAL ADJUSTMENT TO MEASURES FOR THE MONKFISH FISHERY FOR THE 2005 FISHING YEAR

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action makes annual adjustments to measures for the 2005 fishing year for the Monkfish Fishery. The fishing year begins May 1, 2005. This action will make necessary adjustments in total allowable catch levels and trip limits.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13156
NPRM Comment Period End	04/04/05	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS72

485. ADJUSTMENT OF QUOTA OVERAGES IN THE U.S./CANADA AREA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would adjust any overages of quotas for Georges Bank cod, haddock, and/or yellowtail flounder in the U.S./Canada Management Area, as required by Amendment 13.

Timetable:

Action	Date	FR Cite
NPRM	04/14/05	70 FR 19724
NPRM Comment Period End	05/16/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930

Phone: 978 281–9200

RIN: 0648–AS74

486. LIST OF FISHERIES FOR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 229

Legal Deadline: None

Abstract: With this action, NMFS publishes the annual List of Fisheries (LOF), as required by section 118 of the Marine Mammal Protection Act (MMPA). The proposed LOF for 2005 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the MMPA based upon the levels of mortality and serious injury of marine mammals that occurs within each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/02/04	69 FR 70094
NPRM Comment Period End	01/03/05	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332

RIN: 0648–AS78

487. • SEAFOOD DEALER REPORTING AND RECORDKEEPING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would modify reporting and recordkeeping requirements for dealers federally permitted in the summer flounder, scup, black sea bass, Atlantic sea scallop, Northeast multispecies, monkfish, Atlantic mackerel, squid, butterfish, Atlantic surfclam, ocean quahog, Atlantic herring, Atlantic deep-sea red crab, tilefish, Atlantic bluefish, skate and/or spiny dogfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	03/04/05	70 FR 10585
NPRM Comment Period End	03/21/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS87

488. • CORRECTION TO FINAL RULE FOR HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: NMFS publishes a correction to the final rule published in the Federal Register on April 7, 2004 (69 FR 18444) to implement the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (FMP). The final rule should have contained the language defining a loggerhead conservation area in which drift gillnet fishing would be prohibited during a declared El Nino year, as published in the Federal Register on December 16, 2003 (68 FR 69962). The intended effect of this action is to ensure that loggerhead sea turtles will receive the necessary protection from excessive takes in El Nino years.

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980–4040

Related RIN: Related to 0648–AP42

RIN: 0648–AS89

489. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2005 BLUEFIN TUNA QUOTA SPECIFICATIONS AND EFFORT CONTROLS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This action would implement specifications for the Atlantic bluefin tuna (BFT) fishery to set BFT quotas and General category effort controls for the 2005 fishing year. The purpose of this action is to implement the U.S. annual BFT quota as recommended by the International Commission for the Conservation of Atlantic Tunas and allocate that quota among the domestic fishing categories. Effort controls for the General category would allocate monthly quotas and set certain restricted fishing days.

Timetable:

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14630
NPRM Comment Period End	04/18/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AT01

490. ● ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); ATLANTIC SHARK COMMERCIAL MANAGEMENT MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule would establish regional quotas and announce season lengths for large and small coastal sharks, and pelagic sharks managed under the Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks. This action is necessary to ensure that current management measures are consistent with the most recent landings information.

Timetable:

Action	Date	FR Cite
NPRM	03/10/05	70 FR 11922
NPRM Comment Period End	03/25/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AT07

491. ● 2006–2007 MANAGEMENT MEASURES FOR COMMERCIAL, RECREATIONAL, AND TREATY SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, May 2006, The fishery must open on May 1.

Abstract: This action establishes annual management measures for the 2006-2007 fishing year for commercial, recreational and treaty salmon fisheries off the coast of Washington, Oregon and California. In particular, this action specifies allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selective fisheries, and in-season notice procedures.

Timetable:

Action	Date	FR Cite
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AT34

492. HYDROPOWER/MANDATORY CONDITIONS REVIEW PROCESS (MCRP) RULE

Priority: Other Significant

Legal Authority: 16 USC 811

CFR Citation: 50 CFR 221

Legal Deadline: None

Abstract: Pursuant to Part I of the Federal Power Act (Act), 16 U.S.C. 791a et seq., the Department of Commerce (Department), acting through the National Marine Fisheries Service (NMFS), provides input to the Federal Energy Regulatory Commission (Commission) on a number of issues related to licensing non-federal hydroelectric generating facilities. Among others, NMFS' authorities include the authority to prescribe fishways pursuant to section 18 of the Act, 16 U.S.C. 811. Pursuant to its section 18 authority, NMFS reviews applications for hydropower licenses before the Commission, and after consultation with license applicants, prescribes new or modified fishways where such facilities are warranted based on studies and other information in the administrative record of the licensing proceeding. This action codifies the existing MCRP, providing for public review of NMFS' mandatory section 18 fishway prescriptions, and an opportunity to modify prescriptions if warranted based on public review, prior to their being included in a final license order.

Timetable:

Action	Date	FR Cite
NPRM	09/09/04	69 FR 54615
NPRM Comment Period End	11/08/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rolland Schmitten, Director, Office of Habitat Conservation, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910–3282
Phone: 301 713–2325
Fax: 301 713–1043
Email: rolland.schmitt@noaa.gov

RIN: 0648–AS55

493. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1372 (c)

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: This rule will revise and simplify criteria and procedures specific to permits for taking, transporting, importing, and exporting protected species for public display and provide convenient formats for reporting marine mammal captive holdings and transports as required by amendments made in 1994 to the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2289

RIN: 0648–AH26

494. DESIGNATE CRITICAL HABITAT FOR 7 EVOLUTIONARILY SIGNIFICANT UNITS (ESUS) OF PACIFIC SALMON AND STEELHEAD IN CALIFORNIA

Priority: Other Significant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: NPRM, Judicial, November 30, 2004.
Final, Judicial, June 15, 2005.

Abstract: This action would designate critical habitat for 7 Pacific salmon and O. mykiss Evolutionarily Significant Units (ESUs) listed under the Endangered Species Act of 1973. The geographic area proposed for designation include riverine and estuarine habitat in California.

Timetable:

Action	Date	FR Cite
NPRM	12/19/00	65 FR 79328
NPRM Comment Period End	02/20/01	
NPRM	12/10/04	69 FR 71880
NPRM Comment Period End	01/24/05	
Comment Period Extended	02/07/05	70 FR 6394
Second NPRM Comment Period End	03/14/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: James H. Lecky, Assistant Regional Administrator, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 W. Ocean Blvd. No. 4200, Long Beach, CA 90802
Phone: 502 980–4015
Fax: 502 980–4027

Related RIN: Related to 0648–AQ77

RIN: 0648–AO04

495. TAKING OF THE COOK INLET, ALASKA, STOCK OF BELUGA WHALES BY ALASKA NATIVES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1371

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NMFS is regulating subsistence harvest of Cook Inlet Beluga to ensure that the harvest is sustainable and does not substantially delay the recovery of this marine mammal stock. Specific harvest levels and distribution of the harvest will be based upon cooperative agreements with Alaska native organizations.

Timetable:

Action	Date	FR Cite
NPRM	10/04/00	65 FR 59164
NPRM Comment Period End	11/27/00	
Final Rule	04/06/04	69 FR 17973
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations, Governmental Jurisdictions

Government Levels Affected: Tribal, Federal

Agency Contact: Thomas C. Eagle, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13725, Office of Protected Resources, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2055
Fax: 301 713–4060
Email: tom.eagle@noaa.gov

RIN: 0648–AO16

496. TAKING MARINE MAMMALS INCIDENTAL TO ROCKET LAUNCHES FROM THE KODIAK LAUNCH COMPLEX, KODIAK ISLAND, ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NMFS has received a request from the Alaska Aerospace Development Corporation (AADC) for a Letter of Authorization (LOA) to take small numbers of marine mammals incidental to rocket launches from the Kodiak Launch Complex (KLC), Kodiak Island, Alaska. As a result of that request, NMFS is proposing regulations that would authorize the incidental taking of a small number of marine mammals. In order to issue such regulations, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals and will not have an unmitigable adverse impact on the availability of marine mammal species or stocks for subsistence uses.

Timetable:

Action	Date	FR Cite
ANPRM	11/05/01	66 FR 55909
ANPRM Comment Period End	12/05/01	
NPRM	10/29/04	69 FR 63114
NPRM Comment Period End	12/13/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Kenneth Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East–West Highway, Room 13600, Silver Spring, MD 20910
Phone: 301 713–2322
Fax: 301 713–0376
Email: ken.hollingshead@noaa.gov

RIN: 0648–AP62

497. DESIGNATE CRITICAL HABITAT FOR 13 EVOLUTIONARILY SIGNIFICANT UNITS (ESUS) OF PACIFIC SALMON AND STEELHEAD IN WASHINGTON, OREGON AND IDAHO

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226; 50 CFR 424

Legal Deadline: NPRM, Judicial, September 30, 2004.
Final, Judicial, June 15, 2005.

Abstract: This action would designate critical habitat for 13 Pacific salmon and O. mykiss Evolutionarily Significant Units (ESUs) listed under the Endangered Species Act of 1973. The geographic areas proposed for designation include lakes, riverine, and estuarine habitat in Washington, Oregon, and Idaho, and marine nearshore habitat in Washington.

Timetable:

Action	Date	FR Cite
ANPRM	09/29/03	68 FR 55926
ANPRM Comment Period End	11/13/03	
NPRM	12/14/04	69 FR 74572
NPRM Comment Period End	01/28/05	
Comment Period Extended	02/07/05	70 FR 6394
Second NPRM Comment Period End	03/14/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Tribal

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AQ77

498. REGULATIONS IMPLEMENTING THE BOTTLENOSE DOLPHIN TAKE REDUCTION PLAN

Priority: Other Significant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 229

Legal Deadline: NPRM, Statutory, September 2003.
Final, Statutory, January 2004.
There is a deadline under the MMPA, but noting that we cannot meet this deadline because of requirements related to compliance with other laws, such as NEPA and the Regulatory Flexibility Act.

Abstract: This action would implement management measures to (1) reduce the incidental mortality and serious injury (bycatch) of the western North Atlantic coastal bottlenose dolphin stock (dolphins) (Tursiops truncatus) in the mid-Atlantic coastal gillnet fishery and eight other coastal fisheries operating within the dolphin's distributional range; and (2) amend current, seasonal restrictions on large mesh gillnet fisheries operating in the mid-Atlantic region to reduce the incidental take of sea turtles in North Carolina and Virginia state waters. This action would use effort reduction measures, gear proximity rules, gear or gear deployment modifications, fishermen training, and outreach and education measures to reduce dolphin bycatch below the marine mammal stock's potential biological removal level (PBR); and time/area closures and size restrictions on large mesh fisheries to reduce incidental takes of endangered and threatened sea turtles as well as to reduce dolphin bycatch below the stock's PBR.

Timetable:

Action	Date	FR Cite
NPRM	11/10/04	69 FR 65127
NPRM Comment Period End	02/08/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332

RIN: 0648–AR39

499. LISTING DETERMINATIONS FOR 27 EVOLUTIONARILY SIGNIFICANT UNITS (ESUS) OF WEST COAST SALMON AND ONCORHYNCHUS MYKISS

Priority: Other Significant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 223; 50 CFR 224

Legal Deadline: NPRM, Judicial, March 31, 2004.
NMFS has requested an extension to the court-ordered deadline, but no decision has been made as of 4/23/2004.

Abstract: NMFS has completed status reviews for 26 West Coast salmon and O. mykiss (inclusive of anadromous steelhead and co-occurring resident rainbow trout) Evolutionarily Significant Units (ESUs) previously listed as threatened and endangered species under the ESA, as well as one ESU that was designated as a candidate species. Following a September 2001 U.S. District Court ruling that rejected how NMFS treats hatchery populations in its listing determinations, the agency received several petitions seeking to delist, or to redefine and list several ESUs on the basis of the Court's ruling. In response to these petitions NMFS initiated status reviews for 16 ESUs, and elected to conduct status reviews for an additional 11 ESUs. Based on these reviews, NMFS is taking this action to list ESUs as endangered or threatened, and also to delist ESUs as necessary.

Timetable:

Action	Date	FR Cite
NPRM	06/14/04	69 FR 33102
NPRM Comment Period End	09/13/04	
NPRM	08/31/04	69 FR 53031
NPRM Comment Period Extended to	10/20/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Laurie K. Allen, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East–West Highway, Silver Spring, MD 20912
Phone: 301 713–2332

RIN: 0648–AR93

500. TAKING MARINE MAMMALS INCIDENTAL TO NAVY OPERATION

Priority: Other Significant

Legal Authority: 16 USC 1371 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NMFS is amending its regulations governing the taking of marine mammals incidental to operations of the U.S. Navy's SURTASS LFA sonar to implement provisions of the National Defense Authorization Act of 2004 (NDAA). The President signed into law the NDAA (P.L. 108-136) on November 24, 2003. Included in this law were amendments to the Marine Mammal Protection Act (MMPA) that apply where a ''military readiness activity'' is concerned. NMFS and the Navy have determined that the Navy's

SURTASS LFA sonar testing and training operations that are the subject of NMFS' July 16, 2002 (67 FR 46712) final rule constitute a military readiness activity because those activities constitute ''training and operations of the Armed Forces that relate to combat'' and constitute ''adequate and realistic testing of military equipment, vehicles, weapons and sensors for proper operation and suitability for combat use.''

Timetable:

Action	Date	FR Cite
NPRM	06/29/04	69 FR 38873
NPRM Comment Period End	07/29/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East–West Highway, Silver Spring, MD 20912
Phone: 301 713–2055
Email: ken.hollingshead@noaa.gov

RIN: 0648–AR99

501. • THREATENED STATUS FOR SOUTHERN RESIDENT KILLER WHALES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 224

Legal Deadline: NPRM, Judicial, December 17, 2004.

Abstract: NMFS has completed an update on the status review of Southern Resident killer whales under the Endangered Species Act and is seeking to list this distinct population segment as threatened.

Timetable:

Action	Date	FR Cite
Notice	03/02/04	69 9809
NPRM	12/22/04	69 FR 76673
NPRM Comment Period End	03/22/05	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332

RIN: 0648–AS95

502. • ATLANTIC HIGHLY MIGRATORY SPECIES; LIFTING TRADE RESTRICTIVE MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule would modify trade restriction measures pursuant to recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) approved during the 2004 meeting. This rule would lift the trade restrictions on import of bigeye tuna from Cambodia; the ban on the import of bigeye tuna and bluefin tuna from Equatorial Guinea; and the trade restrictions on the import of bigeye tuna, bluefin tuna, and swordfish from Sierra Leone. This rule would also correct section reference conflicts between two rules that published in the Federal Register on November 17, 2004, and December 6, 2004.

Timetable:

Action	Date	FR Cite
NPRM	03/08/05	70 FR 11190
NPRM Comment Period End	04/07/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AT05

503. CIVIL PROCEDURES GOVERNING PROSECUTION AND ADMINISTRATIVE PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq; 16 USC 1531 to 1543; 16 USC 1361 to 1407; 16 USC 3371 to 3378; . . .

CFR Citation: 15 CFR 904

Legal Deadline: None

Abstract: This rule amends the procedures governing NOAA's administrative proceedings for the assessment of civil penalties, suspension, revocation, modification, or denial of permits, issuance and use of written warnings, and release of forfeiture of seized property.

Timetable:

Action	Date	FR Cite
NPRM	10/12/04	69 FR 60569
NPRM Comment Period End	12/13/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Meggan Walls Engelke–Ros, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, 8484 Georgia Avenue, Suite 400, Silver Spring, MD 20910
Phone: 301 427–2202
Fax: 301 427–2211
Email: meggan.engelke-ros@noaa.gov

RIN: 0648–AS54

504. SEA TURTLE CONSERVATION; EXCEPTIONS TO TAKING PROHIBITIONS FOR ENDANGERED SEA TURTLES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701

CFR Citation: 50 CFR 222

Legal Deadline: None

Abstract: NMFS proposes to allow any agent or employee of NMFS, the U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, or any other Federal land or water management agency, or any agent or employee of a state agency responsible for fish and wildlife who is designated by his or her agency for such purposes, when acting in the course of his or her official duties, to

take endangered sea turtles if such taking is necessary to aid a sick, injured, entangled or stranded endangered sea turtle or dispose of such specimen or salvage such specimen which may be useful for scientific and educational purposes. This action is necessary to provide equal conservation and protection measures to sick, injured, entangled and stranded endangered sea turtles as is afforded for threatened sea turtles under 50 CFR 223.206.

Timetable:

Action	Date	FR Cite
NPRM	03/29/05	70 FR 15800
NPRM Comment Period End	04/28/05	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332

RIN: 0648–AS57

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

505. GRAY'S REEF NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1434; 16 USC 1439

CFR Citation: 15 CFR 922.90 to 922.92

Legal Deadline: None

Abstract: This action will amend regulations and designation document for the Gray's Reef National Marine Sanctuary to clarify that the sanctuary boundary includes submerged lands; revise regulations on placing structures on the seabed, fishing, anchoring, discharges, and cultural resources; and revise procedure for issuing sanctuary permits.

Timetable:

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62033
NPRM Comment Period End	12/31/03	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Reed Bohne, Manager, Gray's Reef National Marine Sanctuary, Department of Commerce, National Oceanic and Atmospheric Administration, 10 Ocean Science Circle, Savannah, GA 31411
Phone: 912 598–2345
Fax: 912 598–2367
Email: reed.bohne@noaa.gov

RIN: 0648–AQ41

506. CERTIFICATION REQUIREMENTS FOR NOAA ELECTRONIC NAVIGATIONAL CHART DISTRIBUTION

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 892(a) to 892(b); HSIA 2002, sec 303; HSIA 2002, sec 304

CFR Citation: 50 CFR 995

Legal Deadline: NPRM, Statutory, December 19, 2004, By not later than 2 years after the date of enactment of the HSIA Amendments of 2002. Mandate to certify hydrographic products that satisfy the standards promulgated by the Administrator no later than 2 years after the date of enactment of the Hydrographic Services Improvement Act Amendments of 2002.

Abstract: The National Oceanic and Atmospheric Administration (NOAA) amends its regulations to add certification requirements with standards for applicants who want to distribute NOAA Electronic Navigational Charts (NOAA ENCs) as official data. NOAA intends to offer two types of certification. The first type, ''Certified NOAA ENC Distributor,'' is for NOAA ENCs downloading, exact copying, and redistribution of those copies of NOAA ENCs data. The second type, ''Certified NOAA ENC Value Added Distributor,'' permits reformatting official NOAA ENCs into a System Electronic Navigational Chart (SENC) using type-approved software, and distribution of that SENC. Both types of certification result in products that meet Federal chart carriage regulations. Both types of certification permit, but do not require, compression, encryption, and packaging with other data. NOAA intends by this action to assure that quality official NOAA ENC data is offered to the public in support of safe navigation on U.S. waters.

Timetable:

Action	Date	FR Cite
NPRM	10/15/04	69 FR 61165
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: nauticalcharts.noaa.gov/mcd/enc/indes.htm

URL For Public Comments: nauticalcharts.noaa.gov/mcd/enc/indes.htm

Agency Contact: Michael Brown, Electronic Chart Products Manager, Department of Commerce, National Oceanic and Atmospheric Administration, N/CS, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2645
Fax: 301 713–4501
Email: mike.brown@noaa.gov

RIN: 0648–AR87

Department of Commerce (DOC) — Long-Term Actions

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

507. AMENDMENT 22 TO THE REEF FISH FISHERY MANAGEMENT PLAN

Priority: Other Significant

CFR Citation: 50 CFR 622

Timetable:

Action	Date	FR Cite
Notice	08/04/04	69 FR 46518
NPRM	11/23/04	69 FR 68119
NPRM Comment Period End	01/07/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AP02

508. REGULATORY AMENDMENT TO SECTION 679 PERMITS OR PERMIT–RELATED ISSUES

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 679

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AQ07

509. INDIVIDUAL FISHING QUOTA FOR GUIDED RECREATIONAL CHARTER HALIBUT FISHERY

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 679

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James W. Balsiger
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR96

510. AMENDMENT 26 TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO TO ESTABLISH A RED SNAPPER INDIVIDUAL FISHING QUOTA PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 622

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS67

511. • COMMERCIAL GROUPER FISHERY OF THE GULF OF MEXICO; ESTABLISHMENT OF A CONTROL DATE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: In anticipation of future action to establish regulations limiting participation in the grouper fishery of the Gulf of Mexico, the Gulf of Mexico Fishery Management Council (Council) has voted to establish a control date of October 15, 2004, for the commercial grouper fishery. The establishment of a control date does not commit the Council or the National Marine Fisheries Service to any particular management regime. A control date may be used as part of the qualifying criteria for entry into the fishery. Fishermen, however, are not guaranteed future participation in the fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The Council may choose to use a different control date or they may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen active in the fishery before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be applied for entry. The Council also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

Timetable:

Action	Date	FR Cite
ANPRM	11/16/04	69 FR 67106
ANPRM Comment Period End	12/16/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS88

512. • CHANGES TO REGULATIONS GOVERNING THE OBSERVER COMMUNICATIONS SYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 773 to 773k; 16 USC 1801; 16 USC 3631

CFR Citation: 50 CFR 679; 50 CFR 300

Legal Deadline: None

Abstract: This action would revised minimum operating system requirements for the Observer Communications System (OCS). The OCS consists of custom software and communications equipment that groundfish observers use to enter data collected in the course of their duties and communicate this data by satellite link to observer program staff. This action is intended to updated requirements in support of the observer program.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS93

513. NORTH ATLANTIC WHALE PROTECTION

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 216; 50 CFR 222

Timetable:

Action	Date	FR Cite
ANPRM	01/04/00	65 FR 270
ANPRM Comment Period End	03/06/00	
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul
Phone: 978 281–9200

RIN: 0648–AM85

514. PREVENTING HARASSMENT FROM HUMAN ACTIVITIES DIRECTED AT MARINE MAMMALS IN THE WILD

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 216

Timetable:

Action	Date	FR Cite
ANPRM	01/30/02	67 FR 4379
ANPRM Comment Period End	04/01/02	
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Trevor Spradlin
Phone: 301 713–2289
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RIN: 0648–AN43

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

515. PROCEDURAL CHANGES TO THE FEDERAL CONSISTENCY PROCESS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 930

Timetable:

Action	Date	FR Cite
ANPRM	07/02/02	67 FR 44407
ANPRM Comment Period End	09/03/02	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: David W. Kaiser
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RIN: 0648–AP98

NATIONAL OCEAN SERVICE/OFFICE OF MINERAL ENERGY

516. COASTAL ZONE MANAGEMENT ACT FEDERAL CONSISTENCY REGULATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 930

Timetable:

Action	Date	FR Cite
NPRM	06/11/03	68 FR 34851
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: David W. Kaiser
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RIN: 0648–AR16

OFFICE OF THE ADMINISTRATOR

517. REGIONAL MARINE RESEARCH PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Don Scavia
Phone: 301 713–3060

RIN: 0648–AF20

Department of Commerce (DOC) — Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

518. ADJUSTMENT OF MANAGEMENT PROGRAM: BOTTOMFISH FISHERIES IN THE HAWAIIAN ISLANDS—COMMONWEALTH OF NORTHERN MARIANA ISLANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, Final regulations to be published within 30 days of NPRM comment period end.

Abstract: This regulatory amendment under the Bottomfish FMP would establish permit eligibility criteria, including processing fees, for new entry into the NWHI Mau Zone bottomfish limited access program, and a mechanism to facilitate permits through a community development program.

Timetable:

Action	Date	FR Cite
Merged With 0648–AQ20	03/08/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814
Phone: 808 973–2937

RIN: 0648–AK82

519. FULL RETENTION OF DEMERSAL SHELF ROCKFISH IN GULF OF ALASKA AREA 650

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This regulatory amendment requires full retention of demersal shelf rockfish (DSR) in the hook-and-line fisheries in the Gulf of Alaska, Regulatory Area 650. This rule would eliminate the maximum retainable bycatch limit for DSR, and require that all DSR caught by Federally permitted vessels using fixed gear in the Southeast Outside be retained, landed, weighted, and reported. When DSR is closed to directed fishing, fishermen would be allowed to retain the proceeds from the sale of any DSR not in excess of 10 percent of the aggregate round weight equivalence of IFQ Pacific halibut and groundfish species that are landed during the same fishing trip, or 1 percent of sablefish landed. Any DSR landed in excess of these limits could be retained for any use except sale, barter, or trade. This could include personal consumption or donation to a nonprofit charitable organization.

Timetable:

Action	Date	FR Cite
NPRM	01/21/04	69 FR 2875
NPRM Comment Period End	02/20/04	
Final Action	11/23/04	69 FR 68095

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
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RIN: 0648–AP73

520. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); BIGEYE TUNA AND SWORDFISH TRADE STATISTICAL DOCUMENT PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule would implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) to establish statistical document programs for trade of swordfish and bigeye tuna. This regulation will require all dealers, who export or import swordfish or bigeye tuna, complete a statistical document and ensure the document accompanies the shipment. The purpose of the ICCAT recommendation and this regulation is to assist in the conservation of swordfish and bigeye tuna, improve the reliability of statistical information of catches, and to assist ICCAT with the elimination of illegal, unreported, and unregulated fishing operations.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16211
NPRM Comment Period End	05/10/04	
Final Action	11/17/04	69 FR 67268

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–1917
Email: john.dunnigan@noaa.gov

RIN: 0648–AQ37

521. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SWORDFISH QUOTAS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: The rule would implement catch quotas for North and South Atlantic swordfish based on recommendations made by the International Commission for the Conservation of Atlantic Tunas at its 2002 meeting.

Timetable:

Action	Date	FR Cite
NPRM	06/20/03	68 FR 36967
NPRM Comment Period End	08/04/03	
Final Action	11/23/04	69 FR 68090

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AQ90

522. ATLANTIC HIGHLY MIGRATORY SPECIES; TRADE RESTRICTIVE MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule would implement the trade restrictive measures recommended at the 2002 and 2003 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The rule would lift the import prohibition on Atlantic bigeye tuna from Honduras, St. Vincent and the Grenadines, and Belize. Bigeye tuna imports from Sierra Leone, Bolivia, and Georgia would be banned. The import prohibitions on Atlantic bluefin tuna and Atlantic swordfish would be lifted from Honduras and Belize. Bluefin tuna and swordfish imports from Sierra Leone would be banned. The rule would also prohibit imports from vessels on the ICCAT negative list and would require prior notification from NMFS before a U.S. documented or registered vessel enters a chartering arrangement with another country.

Timetable:

Action	Date	FR Cite
NPRM	05/06/04	69 FR 25357
NPRM Comment Period End	06/21/04	
Final Action	12/06/04	69 FR 70396

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AR10

523. FRAMEWORK 5 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish the ability to set multi-year specifications for the summer flounder, scup, and black sea bass fishery.

Timetable:

Action	Date	FR Cite
NPRM	08/30/04	69 FR 52874
NPRM Comment Period End	09/14/04	
Final Action	10/28/04	69 FR 62818

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AR50

524. ANNUAL SPECIFICATIONS FOR FISHING YEAR 2005 FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish annual specifications for the summer flounder, scup, and black sea bass fishery for fishing year 2005.

Timetable:

Action	Date	FR Cite
NPRM	12/06/04	69 FR 70414
NPRM Comment Period End	12/21/04	
Final Action	01/04/05	70 FR 303
Correction	01/18/05	70 FR 2820

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AR51

525. ANNUAL SPECIFICATIONS FOR THE SURF CLAM AND OCEAN QUAHOG FISHERY FOR FISHING YEAR 2005–2007

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement the annual specifications for the surf clam and ocean quahog fisheries for fishing year 2005-2007.

Timetable:

Action	Date	FR Cite
NPRM	11/18/04	69 FR 67528
NPRM Comment Period End	12/20/04	
Final Action	01/12/05	70 FR 2023

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AR52

526. FRAMEWORK 16 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN AND FRAMEWORK ADJUSTMENT 39 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: These frameworks would establish access program for scallopers in the groundfish closed areas.

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52470
NPRM Comment Period End	09/10/04	
Final Rule	11/02/04	69 FR 63460
Final Action	01/18/05	70 FR 2821

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930 Phone: 978 281–9200

RIN: 0648–AR55

527. ANNUAL SPECIFICATIONS FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY FOR FISHING YEAR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement the annual specifications for the Atlantic mackerel, squid, and butterfish fishery for fishing year 2005.

Timetable:

Action	Date	FR Cite
NPRM	01/10/05	70 FR 1686
NPRM Comment Period End	02/09/05	
Final Action	03/21/05	70 FR 13406

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930 Phone: 978 281–9200

RIN: 0648–AR56

528. ANNUAL SPECIFICATIONS FOR THE ATLANTIC BLUEFISH FISHERY FOR FISHING YEAR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement the annual specifications for the Atlantic Bluefish Fishery for fishing year 2005.

Timetable:

Action	Date	FR Cite
NPRM	02/08/05	70 FR 6608
NPRM Comment Period End	02/23/05	
Final Action	03/21/05	70 FR 13402

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930 Phone: 978 281–9200

RIN: 0648–AR57

529. ANNUAL SPECIFICATIONS FOR THE DEEP–SEA RED CRAB FISHERY FOR FISHING YEAR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action implements the annual specifications for the Deep-Sea Red Crab Fishery for fishing year 2005.

Timetable:

Action	Date	FR Cite
Final Action	02/11/05	70 FR 7190

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930 Phone: 978 281–9200

RIN: 0648–AR59

530. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); AMENDMENT 2 TO THE ATLANTIC BILLFISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: Amendment 2 to the Atlantic billfish fishery management plan is intended to conduct a 5-year review of essential fish habitat identifications, and address other issues as necessary consistent with rebuilding plans, the Magnuson-Stevens Fishery Conservation and Management Act, Atlantic Tunas Convention Act, and other relevant Federal laws.

Timetable:

Action	Date	FR Cite
Merged With 0648–AR60	01/03/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–1917 Email: john.dunnigan@noaa.gov

RIN: 0648–AR61

531. CONSIDERATION OF REVISION TO ESSENTIAL FISH HABITAT (EFH) GUIDELINES (50 CFR PART 600)

Priority: Other Significant

Legal Authority: 16 USC 1855(b)(1)(A)

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: NMFS is evaluating whether to revise the essential fish habitat (EFH) guidelines promulgated through regulation in a January 17, 2002, final rule. The evaluation and potential revisions will address the ongoing public interest in EFH management, and NMFS' prior commitment to evaluate the efficacy of the EFH guidelines through an appropriate public process. The intended effect of the action is to ensure the EFH guidelines effectively implement the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
ANPRM	12/11/03	68 FR 69070
ANPRM Comment Period End	01/26/04	
Comment Period Extended	02/25/04	69 FR 8615
Comment Period End	04/26/04	
Withdrawn	01/10/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Rolland Schmitten, Director, Office of Habitat Conservation, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910–3282
Phone: 301 713–2325
Fax: 301 713–1043
Email: rolland.schmitt@noaa.gov

RIN: 0648–AR76

532. AMENDMENT 48 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AND GULF OF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This action amends the process by which harvest specifications would be set in future years. It would update descriptions of the fisheries by removing references to foreign fishing, revise the description of the harvest specifications process to provide for 18 months specifications for most target species and biennial harvest specifications for certain Gulf of Alaska species, revise the name of the Bering Sea and Aleutian Islands FMP to be consistent with the more concise title of the Gulf of Alaska FMP, and update plan team responsibilities in the harvest specifications process. Objectives for the revised process include managing the Alaska groundfish fisheries based on the best available scientific information and providing meaningful opportunity for useful public comment.

Timetable:

Action	Date	FR Cite
Notice	07/14/04	69 FR 42128
NPRM	07/27/04	69 FR 44634
NPRM Comment Period End	09/10/04	
Final Action	11/08/04	69 FR 64683

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR77

533. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2004 BLUEFIN TUNA QUOTA SPECIFICATIONS AND GENERAL CATEGORY EFFORT CONTROLS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971; 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This action will set Atlantic bluefin tuna (BFT) quotas and General category effort controls for the 2004 fishing year. This action will implement the U.S. annual BFT quota as recommended by the International Commission on Conservation of Atlantic Tunas and allocate that quota among the domestic fishing categories. Effort controls for the General category will allocate monthly quotas and set certain restricted fishing days.

Timetable:

Action	Date	FR Cite
NPRM	12/10/04	69 FR 71771
NPRM Comment Period End	01/06/05	
Final Action	03/07/05	70 FR 10896

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AR86

534. HALIBUT SUBSISTENCE II

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq; 16 USC 773 et seq

CFR Citation: 50 CFR 300; 50 CFR 600; 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking amends the rule authorizing subsistence fishery for Pacific halibut in waters off Alaska. These regulations are necessary to address conservation concerns in densely populated areas. Existing subsistence halibut regulations fail to recognize distinctions between different geographic regions. Because of the variation between geographic regions, some of the regions require more narrowly tailored gear and harvest limitations. The purpose of this action is to amend the current regulations authorizing a subsistence fishery for halibut in Convention waters off Alaska. The main goal of this action is to adjust gear and harvest restrictions for Alaska residents who practice subsistence fishing for halibut specific to their respective region. An additional goal is to implement specific mitigation measures for tribes and rural communities in areas where gear and harvest limitations may action is considered non-controversial because it moderately amends an existing rule.

Timetable:

Action	Date	FR Cite
NPRM	07/09/04	69 FR 41447
NPRM Comment Period End	08/09/04	
Final Action	04/01/05	70 FR 16742

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR88

535. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC MACKEREL

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, The CPS fisheries regulations require that the annual specs for Pacific mackerel be published in the **Federal Register** before July 1, the start of the fishing year.

Abstract: This action sets annual specifications for the Pacific mackerel

pursuant to the Coastal Pelagic Species fisheries regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/20/04	69 FR 43383
NPRM Comment Period End	08/04/04	
Final Action	10/21/04	69 FR 61768

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980–4040

RIN: 0648–AR97

536. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SHARK COMMERCIAL MANAGEMENT MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule would adjust regional quota allocations for small and large coastal sharks managed under the Fishery Management Plan for Atlantic Highly Migratory Species. These measures are needed to ensure current management measures are consistent with the most current landings information.

Timetable:

Action	Date	FR Cite
NPRM	09/17/04	69 FR 56024
NPRM Comment Period End	10/18/04	
Final Action	11/30/04	69 FR 69537
Notice	12/10/04	69 FR 71735

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910
Phone: 301 713–2334

RIN: 0648–AS08

537. EASTERN PACIFIC TUNA CONTROLS

Timetable:

Action	Date	FR Cite
Duplicate of 0648-AS39	03/09/05	

RIN: 0648–AS18

538. MAGNUSON–STEVENS ACT PROVISIONS; FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; PACIFIC COAST GROUNDFISH FISHERY; BIENNIAL SPECIFICATIONS AND MANAGEMENT MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, September 2004, Rule must be effective on 01/01/05 when the fishing year begins.
Final, Statutory, December 2004.

Abstract: This rule will implement the 2005-06 annual specifications and management measures for the Pacific Coast Groundfish Fishery.

Timetable:

Action	Date	FR Cite
NPRM	09/21/04	69 FR 56549
NPRM Comment Period End	10/21/04	
Final Action	12/23/04	69 FR 77012
Correction	03/18/05	70 FR 13118

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AS27

539. REQUEST FOR RESEARCH PROPOSALS SUPPORTED UNDER A RESEARCH SET–ASIDE PROGRAM FOR FISHING YEAR 2006

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would set aside for FY 2006 up to 3 percent of the total allowable landings in certain Mid-Atlantic fisheries to be used for research endeavors under a research set-aside program.

Timetable:

Action	Date	FR Cite
Final Action	04/18/05	70 FR 20104

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS32

540. FRAMEWORK 40A TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This framework implements certain access program measures on Georges Bank originally disapproved in Amendment 13 to the Northeast Multispecies FMP and resubmitted for Secretarial review.

Timetable:

Action	Date	FR Cite
NPRM	09/14/04	69 FR 55388
NPRM Comment Period End	09/29/04	
Interim Final Rule	11/19/04	69 FR 67780
Interim Final Rule Comment Period End	12/20/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS34

541. AMENDMENT 82 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: The amendment will implement section 803 of the Consolidated Appropriations Act of 2004 which requires future directed fishing allowances of pollock in the Aleutian Islands to be allocated to the Aleut Corporation. Only fishing vessels under sixty feet long, or AFA listed and approved by the Aleut Corporation or its agents will be allowed to harvest this allowance. The allocation was made to the Aleut Corporation for the purpose of furthering the economic development of Adak.

Timetable:

Action	Date	FR Cite
Notice	11/16/04	69 FR 67107
Notice Comment Period End	01/18/05	
NPRM	12/07/04	69 FR 70589
NPRM Comment Period End	01/21/05	
Final Action	03/01/05	70 FR 9856

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS37

542. RESTRICTIONS FOR 2004 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 951 to 961; 16 USC 971 et seq

CFR Citation: 50 CFR 300

Legal Deadline: Final, Statutory, July 1, 2004, Agreement under IATTC.

Abstract: NMFS announces the 2004 conservation and management measures for international tuna fisheries in the eastern tropical Pacific Ocean. These are a six-week closure of purse seine fisheries and a closure of any national longline fishery which reaches a catch level for bigeye tuna equal to the catch made by that fleet in 2001. The Tuna Conventions Act calls for the United States to take action to implement conservation and management measures for the U.S. fisheries that are affected. Thus, the intended effect of the rule is to establish prohibition of U.S. vessels purse seine fishing for tuna in the IATTC convention area for the November 20 - December 31 period and to announce that the U.S. longline fishery in the convention area will be closed if the catch in 2004 reaches the catch level of 2001. This will conform to the IATTC recommendation that was approved by the Department of State.

Timetable:

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35569
NPRM Comment Period End	07/12/04	
Final Action	11/12/04	69 FR 65382

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980–4040

RIN: 0648–AS39

543. GULF OF ALASKA STELLER SEA LION PROTECTION MEASURES REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This action will revise Steller sea lion protection measures for the pollock and Pacific cod fisheries in the Gulf of Alaska (GOA). The revisions adjust fishing closure areas near four Steller sea lion haulouts for pollock and Pacific cod fisheries and would modify the seasonal management of pollock harvest in the GOA. The intent of the revisions is to provide some economic relief to GOA communities while maintaining protection for Steller sea lions and their critical habitat.

Timetable:

Action	Date	FR Cite
NPRM	09/22/04	69 FR 56384
NPRM Comment Period End	10/21/04	
Final Action	12/20/04	69 FR 75865

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AS41

544. REORGANIZE, BY REDESIGNATION, THE FISHING CAPACITY REDUCTION PROGRAM (FCRP) REGULATIONS AND FCRP FEE SYSTEM REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: This action will amend the regulations in order to reorganize, by redesignation, the fishing capacity reduction program (FCRP) regulations and FCRP fee system regulations. To accomplish this, it is also necessary to redesignate regulatory provisions implementing the Shark Finning Prohibition Act. The redesignation involves changing subparts, renumbering regulatory provisions, and revising regulatory references. The substantive provisions are not changed in any way; only the old Code of Federal Regulations unit numbers are redesignated with new CFR unit

numbers. Also, one subpart title and one section title are modified. Several sections are reserved to ensure a logical organization. The intent of this rule is to improve understanding and ease of use of FCRP regulations, and to make additional sequential section umbers available for future FCRP regulations.

Timetable:

Action	Date	FR Cite
Final Action	09/01/04	69 FR 53359

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Gorrell, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2341
Fax: 301 713–1193
Email: robert.gorrell@noaa.gov

RIN: 0648–AS44

545. SEASONAL CLOSURE OF GRAMMANIK BANK

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, the National Marine Fisheries Service amends its regulations to implement a seasonal closed area on Grammanik Bank south of St. Thomas, USVI, to conserve and protect a documented spawning aggregation of yellowfin grouper. Within the closed area, fishing for Council-managed species would be prohibited from February 1 to April 30.

Timetable:

Action	Date	FR Cite
NPRM	11/16/04	69 FR 67104
NPRM Comment Period End	12/01/04	
Final Action	01/04/05	70 CFR 300

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS56

546. REVISIONS TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR 2005 AND BEYOND

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 300

Legal Deadline: None

Abstract: Each year, the Pacific Fishery Management Council (Council) reviews its Pacific Halibut Catch Sharing Plan (Plan) with the public to determine whether revisions are needed to management objectives for any of the West Coast halibut fisheries. Off the coast of Washington, halibut treaty tribes hold a directed commercial fishery and a ceremonial and subsistence fishery for halibut. Non-treaty fishers operating off Washington, Oregon, and California participate in one of three separate commercial fisheries, and/or in one of seven separate recreational fisheries for halibut. For 2005, changes to the Plan may include: changing the opening date of the north Washington coast subarea; closing the south Washington coast subarea when a certain amount of quota is projected to remain and allowing the northern and southern nearshore areas to harvest the remaining quota; setting an annual bag limit off Washington of 5 halibut per person per calendar year; adding a weekly limit off Washington of two halibut per person per calendar week; changing the Oregon central coast all-depth fishery bag limit to two halibut per person; creating two ''yelloweye'' rockfish conservation areas off Oregon to reduce the take the overfished groundfish species in the halibut fishery; and allowing retention of halibut bycatch in the open access sablefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	02/07/05	70 FR 6395
NPRM Comment Period End	03/16/05	
Final Action	04/19/05	70 FR 20304

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070
Phone: 206 526–6150
Fax: 206 526–6426

RIN: 0648–AS61

547. FRAMEWORK ADJUSTMENT 1 TO THE RED CRAB FISHERY MANAGEMENT PLAN

Timetable:

Action	Date	FR Cite
Duplicate of 0648-AS35	03/21/05	

RIN: 0648–AS73

548. CLARIFY THE DAYS–AT–SEA (DAS) BASELINE ALLOCATION PROCEDURE IMPLEMENTED IN AMENDMENT 13 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action proposes to clarify the baseline DAS allocation procedure established in the final rule implementing Amendment 13 to the Northeast Multispecies Fishery Management Plan. The proposed rule to implement Amendment 13 stated that a vessel's baseline DAS allocation would be determined by the highest number of reported DAS fished during a single qualifying fishing year, where the vessel landed at least 5,000 lb of regulated multispecies, during the 6-year period from May 1, 1996 through April 30, 2002. It was the intent of the Council to cap a vessel's DAS used at the vessel's annual allocation prior to August 1, 2002, and it was how the analysis was conducted in the EIS prepared for Amendment 13. However, this DAS cap was not stated in the proposed rule for Amendment 13, but included in the final rule. Because the public was not provided with the opportunity to comment on this cap in DAS usage in the proposed rule, NMFS is providing this opportunity by

clarifying the existing regulations through interim rulemaking, which will include publication of a proposed interim rule.

Timetable:

Action	Date	FR Cite
NPRM	10/28/04	69 FR 62844
NPRM Comment Period End	11/12/04	
Interim Final Rule	12/08/04	69 FR 70919

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

Related RIN: Related to 0648–AN17

RIN: 0648–AS81

549. NOTICE OF CONTROL DATE FOR THE PURPOSE OF LIMITING ENTRY TO THE GENERAL CATEGORY FISHERY; ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN (FMP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action announces that NMFS is considering, and is seeking public comment on, proposed rulemaking to control future access to the open access vessel permit category (general category) sea scallop (Placopecten magellanicus) fishery if a management regime is developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to limit the number of participants in this sector of the scallop fishery. This sector of the fishery includes vessels with general category permits as well as vessels with limited access scallop permits that land scallops while not on a scallop day-at-sea (DAS).

Timetable:

Action	Date	FR Cite
ANPRM	11/01/04	69 FR 63341
ANPRM Comment Period End	12/01/04	
Withdrawn	04/13/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281–9200

RIN: 0648–AS82

550. • EMERGENCY RULE TO IMPLEMENT A TRIP LIMIT FOR THE COMMERCIAL GROUPER FISHERY IN THE GULF OF MEXICO FOR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: At its November 7-12, 2004, meeting, the Council considered a request from the Southern Offshore Fishing Association (SOFA) and Gulf Fishermen's Association (GFA) for an interim or emergency rule to establish commercial trip limits for shallow-water and deep-water grouper. SOFA and GFA maintained that the closure of both the deep-water grouper and shallow-water grouper fisheries, combined with the damaging effects of four hurricanes, severely impacted the Florida economy, especially regions along the west coast and Panhandle. Trip limits were requested to potentially extend the 2005 fishing season and delay an end-of-year closure, thus reducing potential adverse economic consequences for all sectors of the commercial grouper fishery, including those fishing communities dependent upon it. After considerable discussion, the Council voted to have NOAA Fisheries develop an emergency rule establishing trip limits for the commercial grouper fishery in the Gulf of Mexico for the 2005 fishing year. The intended effect of this emergency rule is to moderate the rate of harvest of the available quotas and, thereby, reduce the adverse socioeconomic effects of derby fishing, enable more effective quota monitoring, and reduce the probability of overfishing.

Timetable:

Action	Date	FR Cite
Final Action	02/17/05	70 FR 8037

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS97

551. • EMERGENCY RULE TO REOPEN APPLICATION PROCESS FOR CHARTER VESSEL AND HEADBOAT PERMIT MORATORIUM IN GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: This action would reopen the application process for the charter vessel and headboat moratorium in the Gulf of Mexico. Qualifying persons, who were unable to previously obtain a moratorium permit, will have to provide documentation that they were economically harmed by the permit moratorium. The intent of the emergency rule is to minimize adverse socioeconomic effects on Gulf charter vessel and headboat operators, who meet the original moratorium permit eligibility requirements but were unable to previously obtain a moratorium permit.

Timetable:

Action	Date	FR Cite
Final Action	04/01/05	70 FR 16754

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432
Phone: 727 570–5305
Fax: 727 570–5583

RIN: 0648–AS99

552. ● ANNUAL MANAGEMENT MEASURES FOR THE INTERNATIONAL PACIFIC HALIBUT COMMISSION PACIFIC HALIBUT ANNUAL MANAGEMENT MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 773

CFR Citation: 50 CFR 300

Legal Deadline: None

Abstract: The AA for Fisheries, on behalf of the IPHC, publishes annual management measures governing the Pacific Halibut fishery which are approved by the Secretary of State. This action provides public notice of the effectiveness of these IPHC annual management measures and informs persons subject to them of their restrictions and requirements.

Timetable:

Action	Date	FR Cite
Final Action	02/25/05	70 FR 9242

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AT06

553. ENDANGERED AND THREATENED SPECIES: PERMIT EXEMPTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701

CFR Citation: 50 CFR 222

Legal Deadline: None

Abstract: NMFS amends its regulations to provide exceptions to prohibitions to allow Federal and State employees to perform conservation activities.

Timetable:

Action	Date	FR Cite
Withdrawn	03/10/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: LaMont Jackson, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–1401
Fax: 301 713–0376
Email: terri.jordan@noaa.gov

RIN: 0648–AO37

554. ATLANTIC LARGE WHALE 2002 SEASONAL AREA MANAGEMENT (SAM) PROGRAM

Priority: Other Significant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 229

Legal Deadline: NPRM, Judicial, November 23, 2001, The Federal District Court for the District of Massachusetts order.
Final, Judicial, December 31, 2001, The Federal District Court for the District of Massachusetts order.

Abstract: NMFS is preparing regulations to implement a SAM program for the 2002 fishing year, which was identified as a measure under the RPA that resulted from the biological opinions prepared for the Northeast multispecies, monkfish, spiny dogfish, and American lobster fisheries. The 2002 SAM program is intended as an incremental step to provide endangered western North Atlantic right whales protection from entanglement with fishing gear used in those fisheries. NMFS is preparing an EIS for more comprehensive SAM regulations for 2003 and beyond, in accordance with the National Environmental Policy Act (NEPA), to analyze the impacts on the human environment of the management alternatives under consideration. The measures that have been identified for the 2002 SAM proposed rulemaking requires reduction, elimination, and/or modification of certain types of fixed gear (i.e., gillnets and lobster traps) in specific areas off the Atlantic coast of the United States during times of the year when right whales are known to be present in significant concentrations.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/01	66 FR 50390
ANPRM Comment Period End	11/02/01	
NPRM	11/28/01	66 FR 59394
NPRM Comment Period End	12/13/01	
Final Action	01/09/02	67 FR 1142

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Patricia Lawson, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2322
Email: patricia.lawson@noaa.gov

RIN: 0648–AP68

555. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; TUNA PURSE SEINE VESSELS IN THE EASTERN TROPICAL PACIFIC OCEAN (ETP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1315; 16 USC 951

CFR Citation: 50 CFR 216; 50 CFR 300

Legal Deadline: None

Abstract: Pursuant to resolutions adopted by the Inter-American Tropical Tuna Commission and Parties to the Agreement on the International Dolphin Conservation Program, the National Marine Fisheries Service (NMFS) is promulgating regulations to conserve tunas in the Eastern Tropical Pacific Ocean (ETP). Specifically, these regulations would: (1) Establish a register of U.S. vessels with a history of fishing in the ETP prior to June 28, 2002, and require that only vessels on that list would be authorized to use purse seines for fishing for tuna in the ETP; (2) limit the aggregate capacity of U.S. purse seine vessels that may fish full time for tuna in the ETP to 8,969 metric tons carrying capacity per year; (3) revise the requirements for maintaining and submitting tuna tracking and verification records; (4) ensure that owners of U.S. vessels on the register pay annual assessments; and (5) prohibit interference with enforcement and inspection activities, submission of false information, and other activities that would undermine the effectiveness of the Marine Mammal Protection Act, International Dolphin Conservation Program Act, and Dolphin Protection Consumer Information Act. This rule is intended to contribute to the long-term conservation of tuna stocks at levels that support healthy fisheries.

Timetable:

Action	Date	FR Cite
NPRM	10/29/04	69 FR 63122
NPRM Comment Period End	11/29/04	
Final Action	04/12/05	70 FR 19004

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

Related RIN: Related to 0648–AI85

RIN: 0648–AS05

556. TAKING AND IMPORTING MARINE MAMMALS: MILITARY READINESS ACTIVITIES AND SCIENTIFIC RESEARCH ACTIVITIES CONDUCTED BY OR ON BEHALF OF THE FEDERAL GOVERNMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.3

Legal Deadline: None

Abstract: The National Marine Fisheries Service (NMFS) amends its regulations to revise certain terms in the definition of harassment for military readiness activities and scientific research activities conducted by or on behalf of the Federal Government pursuant to amendments to the Marine Mammal Protection Act (MMPA) enacted by the National Defense Authorization Act of fiscal year 2004 (NDAA).

Timetable:

Action	Date	FR Cite
Withdrawn	03/09/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

RIN: 0648–AS06

557. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; TUNA PURSE SEINE VESSELS IN THE EASTERN TROPICAL PACIFIC OCEAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: This rule (1) allows the entry of yellowfin tuna into the United States under certain conditions from nations fully complying with the International Dolphin Conservation Program that otherwise would be under embargo, (2) allows U.S. vessels to set their purse seines on dolphins in the eastern tropical Pacific Ocean, (3) changes the standard for use of ''dolphin-safe'' labels for tuna products, and (4) ensures adequate tracking and verification of tuna exported from or sold in the United States that is purported to be dolphin-safe.

Timetable:

Action	Date	FR Cite
Final Action	09/13/04	69 FR 55288

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

RIN: 0648–AS45

558. REGULATIONS GOVERNING THE APPROACH TO NORTH ATLANTIC RIGHT WHALES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531; 16 USC 1361

CFR Citation: 50 CFR 224

Legal Deadline: None

Abstract: This rule would correct the regulations that prohibit approaches within 500 yards (460 m) of North Atlantic right whales (right whales). The purpose of this action is to correct errors contained in the text of the regulation that inadvertently refers to regulations contained in the previous paragraph within section 224.103.

Timetable:

Action	Date	FR Cite
Final Action	11/30/04	69 FR 69536

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

RIN: 0648–AS76

559. SEA TURTLE REQUIREMENTS FOR COMMERCIAL SHRIMP FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 to 1561 et seq

CFR Citation: 50 CFR 223

Legal Deadline: None

Abstract: NMFS intends to publish a temporary 30-day rule to allow the shrimp fishery operating in Louisiana, Alabama, and Mississippi to use tow times in lieu of Turtle Excluder Devices (TEDs). The action is necessary because debris from hurricanes Ivan, Frances, and Charley have rendered TEDs ineffective at sea turtle exclusion.

This action will benefit the shrimp fishery by allowing them to continue to fish while protecting sea turtles.

Timetable:

Action	Date	FR Cite
Final Action	10/15/04	69 FR 61155

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910 Phone: 301 713–2332

RIN: 0648–AS79

560. • SEA TURTLE REQUIREMENTS FOR COMMERCIAL SHRIMP FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 223

Legal Deadline: None

Abstract: NMFS publishes this rule to allow the shrimp fishery operating in Louisiana and Alabama to use tow times in lieu of Turtle Excluder Devices (TEDs). The action is necessary because debris from Hurricane Ivan has rendered TEDs ineffective at sea turtle exclusion. This action will benefit the shrimp fishery by allowing them to continue to fish while protecting sea turtles.

Timetable:

Action	Date	FR Cite
Final Action	12/01/04	69 FR 69826

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332

RIN: 0648–AS91

561. • TECHNICAL REVISIONS TO RIGHT WHALE LISTING UNDER THE ENDANGERED SPECIES ACT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 224.101b; 50 CFR 222.102; 50 CFR 226.203

Legal Deadline: None

Abstract: This action would remove two technical revisions made in an April 2003 final rule to the northern right whale listing under the Endangered Species Act (ESA). NMFS has determined that issuance of the 2003 final rule did not comply with the requirements of the ESA. This action corrects these mistakes by removing these technical revisions to 50 CFR and reinstating the language that existed before April 2003.

Timetable:

Action	Date	FR Cite
Final Action	01/11/05	70 FR 1830

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2332

Related RIN: Related to 0648–AQ74

RIN: 0648–AS94

562. REVISION OF OVERFLIGHT REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 et seq

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: These regulations are being revised to clarify that they are for resource protection purposes.

Timetable:

Action	Date	FR Cite
Withdrawn	02/07/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Debra Malek, National Marine Sanctuary Program, Department of Commerce, National Oceanic and Atmospheric Administration, N ORM 6, 1305 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–3125

RIN: 0648–AI91

563. INTERAGENCY CONSULTATION FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Priority: Other Significant

Legal Authority: 16 USC 1434(d)

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: This action would implement the Federal agency consultation requirements of the National Marine Sanctuaries Act.

Timetable:

Action	Date	FR Cite
Withdrawn	02/07/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Room 11536, Marine Sanctuaries Division, 1305 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–3145

RIN: 0648–AL06

564. INSTALLING AND MAINTAINING COMMERCIAL SUBMARINE CABLES IN NATIONAL MARINE SANCTUARIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 et seq; 16 USC 1531 et seq; 16 USC 1361 et seq; 16 USC 1801 et seq; 16 USC 1451 et seq; . . .

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: NOAA is evaluating whether changes to existing National Marine Sanctuary (NMS) regulations or whether some form of policy guidance is necessary to clarify NOAA's decisionmaking process regarding the installation and maintenance of commercial submarine cables within NMS. If changes or additional guidance are appropriate, this action will consider what the changes should be or what the guidance should contain. This action also considers comments on principles on the installation of commercial submarine cables within the marine and coastal environment as a whole.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/00	65 FR 51264
ANPRM Comment Period End	10/23/00	
Withdrawn	02/07/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Room 11536, Marine Sanctuaries Division, 1305 East–West Highway, Silver Spring, MD 20910

DOC—NOAA

Completed Actions

Phone: 301 713–3145

RIN: 0648–AO36

565. QUALITY ASSURANCE PROGRAM FOR HYDROGRAPHIC PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 892(a); 33 USC 892(b); HSIA 2002 sec 303; HSIA 2002 sec 304

CFR Citation: 15 CFR 996

Legal Deadline: NPRM, Statutory, December 19, 2004.
The Administrator, by not later than 2 years after the date of enactment of the Hydrographic Services Improvement Act Amendment of 2002 [enacted Dec. 19, 2002], shall, subject to the availability of appropriations, develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator.

Abstract: The National Oceanic and Atmospheric Administration (NOAA) has been mandated to develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator. ''Hydrographic products'' are any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data. The Administrator proposes to fulfill this mandate by establishing procedures by which hydrographic products are proposed for certification; by which standards and compliance tests are developed, adopted, and applied for those products; and by which certification may awarded or denied. These procedures would be the mandated Quality Assurance Program, and the implementation of the program would be the execution of those procedures for specific hydrographic products.

Timetable:

Action	Date	FR Cite
NPRM	10/15/04	69 FR 61172
Final Action	01/05/05	70 FR 693

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Enabnit, Technical Director, Department of Commerce, National Oceanic and Atmospheric Administration, N/CS, 1315 East West Highway, Silver Spring, MD 20910
Phone: 301 713–2770
Fax: 301 713–4019
Email: dave.enabnit@noaa.gov

RIN: 0648–AS50

Department of Commerce (DOC)
National Telecommunications and Information Administration (NTIA)

Completed Actions

566. • REPEAL OF MANDATORY REIMBURSEMENT RULES FOR FREQUENCY BAND OR GEOGRAPHIC RELOCATION OF FEDERAL SPECTRUM–DEPENDENT SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–494; 47 USC 923(g)

CFR Citation: 47 CFR 301

Legal Deadline: None

Abstract: The National Telecommunications and Information Administration (NTIA) is repealing its regulations governing reimbursement to Federal entities by the private sector as a result of reallocation of frequency spectrum. The agency is taking this action in accordance with Title II of Public Law 108-494, Commercial Spectrum Enhancement Act, which repealed the provisions in the NTIA Organization Act under which the agency promulgated the regulations. The Commercial Spectrum Enhancement Act established a fund within the Department of Treasury through which money will be provided to federal agencies for the costs incurred in relocating their radio communications systems.

Timetable:

Action	Date	FR Cite
Final Action	02/09/05	70 FR 6776

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Milton Brown, Deputy Chief Counsel, Department of Commerce, National Telecommunications and Information Administration, HCHB Room 4713, 14th & Pennsylvania Avenue, NW., Washington, DC 20230
Phone: 202 482–1816
Fax: 202 501–8013
Email: mbrown@ntia.doc.gov

RIN: 0660–AA15

Department of Commerce (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

567. CHANGES TO REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 500(a); 35 USC 2(b) 2(D)

CFR Citation: 37 CFR 1; 37 CFR 2; 37 CFR 10; 37 CFR 11

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (USPTO) amends its regulations to update the procedures regarding enrollment and discipline. The office also replaces the current USPTO Code of Professional Responsibility, which is based on the Model Code of Professional Responsibility of the American Bar Association, with USPTO Rules of Professional Conduct, which are based largely on the Model Rules of Professional Conduct of the American Bar Association.

Timetable:

Action	Date	FR Cite
NPRM	12/12/03	68 FR 66648
NPRM Comment Period End	02/12/04	
Notice	03/03/04	69 FR 9986
Comment Period End	06/11/04	
Final Action – Part I	06/24/04	69 FR 35428
NPRM	06/00/05	
NPRM Comment Period End	08/00/05	
Final Action – Part II	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: See 69 FR 9986-9987.

Agency Contact: Harry I. Moatz, Director of Enrollment and Discipline, Department of Commerce, Patent and Trademark Office, Office of Enrollment and Discipline, P. O. Box 1450, Alexandria, VA 22313
Phone: 571 272–4097

Related RIN: Related to 0651–AB38

RIN: 0651–AB55

568. CHANGES IN TRADEMARK RULES OF PRACTICE IN INTER PARTES PROCEEDINGS BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1067; 35 USC 2(8)(2)(A)

CFR Citation: 37 CFR 2.101; 37 CFR 2.105; 37 CFR 2.111; 37 CFR 2.113; 37 CFR 2.119; 37 CFR 2.120(a); 37 CFR 2.120(d) to (g); 37 CFR 2.120(i) to (j); 37 CFR 2.121(a) to (b); 37 CFR 2.127(e)

Legal Deadline: None

Abstract: The United States Patent and Trademark Office amends its rules of practice in connection with inter partes proceedings before the Trademark Trial and Appeal Board to require initial disclosure of certain information, to make a telephone conference a prerequisite to the filing of an unconsented motion, and to permit service of documents by e-mail.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James David Sams, Chief Administrative Trademark Judge, Department of Commerce, Patent and Trademark Office, ST–9A03, Trademark Trial and Appeal Board, 600 Dulany Street, Alexandria, VA 22313
Phone: 571 272–4304
Email: david.sams@uspto.gov

RIN: 0651–AB56

569. REVISION OF EX PARTE AND INTER PARTES REEXAMINATION PRACTICE

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2); 35 USC 301 to 318

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) amends its rules of practice relating to ex parte and inter partes reexamination. The Office revises the rules of practice to clarify the substantial new question of patentability standard for a second or subsequent request for ex parte reexamination or inter partes reexamination, and to provide for a request for continued reexamination practice to permit entry of a limited number of submissions after a final rejection or action in an ex parte reexamination or inter partes reexamination. The Office also revises the rules of practice to require compliance with all the requirements of filing an inter parties reexamination before a filing date will be assigned to an inter parties reexamination, and to prohibit supplemental patent owner responses to an Office action in an inter parties reexamination without a showing of cause.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313
Phone: 571 272–8090
Email: robert.bahr@uspto.gov

RIN: 0651–AB77

570. CHANGES TO IMPLEMENT THE REFUND PROVISIONS OF THE UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2004

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2)

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: Among other changes to patent and trademark fees, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), splits the patent application filing fee into separate filing fee, search fee and examination fee, and also provides that the United States Patent and Trademark Office (Office) may refund part or all of the excess claim fee and the search fee in certain situations. This action amends the rules of practice to implement the provisions for refunding part or all of the excess claim fee and for refunding part or all of the search fee in certain situations. The Office has implemented the changes to the patent fees provided in the Consolidated Appropriations Act in a separate rule making.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313
Phone: 571 272–8090
Email: robert.bahr@uspto.gov

Related RIN: Related to 0651–AB54, Related to 0651–AB69

RIN: 0651–AB79

571. REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2006

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 41; 35 USC 376; 35 USC 2(b)(2)

CFR Citation: 37 CFR 1.16 to 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 41.20; 37 CFR 2.6

Legal Deadline: Final, Statutory, October 1, 2005, Final Action Effective Date.

Abstract: This rulemaking revises certain patent and trademark fees to reflect fluctuations in the Consumer Price Index (CPI) consistent with PL 105-358, as amended by PL 108-447.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	
Final Action	07/00/05	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: C/OF Tamara McClure, Department of Commerce, Patent and Trademark Office, Crystal Park 1, Room 807, 2011 Crystal Drive, Arlington, VA 22202
Phone: 703 308–5075
Email: tamara.mcclure@uspto.gov

RIN: 0651–AB81

572. • REVISION OF SIGNATURE AND POWER OF ATTORNEY PROVISIONS TO PROVIDE FOR PERSONS GRANTED LIMITED RECOGNITION TO PROSECUTE APPLICATIONS AND OTHER MISCELLANEOUS MATTERS

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2)

CFR Citation: 37 CFR 1, 3 and 10

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) amends its rules of practice to allow a person acting with limited recognition to be given a power of attorney and authorized to sign amendments and other correspondence respecting patent applications, reexamination proceedings, and other proceedings. A person granted limited recognition is not a registered patent attorney or agent. Instead, such a person is either: one who has been authorized by the Director of the Office of Enrollment and Discipline to prosecute as attorney or agent one or more specified patent application or other patent proceedings (e.g., a parent of a child inventor); or a nonimmigrant alien residing in the United States with an appropriate visa. Furthermore, the Office amends its rules of practice to require that: a copy of the English translation of a foreign-language provisional application be filed in the provisional application if a non-provisional application claims the benefit of the provisional application; a copy of documentary evidence supporting a claim of ownership be recorded in the Office's assignment records when an assignee takes action in a patent matter; and separate copies of a document be submitted to the Office for recording in the Office's assignment records, each accompanied by a cover sheet, if the document to be recorded includes an interest in, or a transaction involving, both patents and trademarks.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karin Ferriter L, Department of Commerce, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313–1450
Phone: 571 272–7744

Related RIN: Related to 0651–AB63

RIN: 0651–AB85

573. • REQUIREMENTS TO RECEIVE A REDUCED FEE FOR FILING AN APPLICATION THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–447 Consolidated Appropriations Act, 2005; 15 USC 1113(a); 35 USC 2

CFR Citation: 37 CFR 2.22, 2.6, 2.23, 2.62, 7.25

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) amends its rules to provide applicants with an additional filing fee option. Currently, an applicant may file a trademark application on paper and pay a filing fee of $375.00 per class or file an application through the Trademark Electronic Application System (TEAS) and pay a filing fee of $325.00 per class. The Office amends its rules to offer applicants the option of paying a reduced fee of $275.00 per class for filing an application through TEAS if the application meets certain filing requirements and the applicant responds to Office actions within two months of the mailing date, files communications regarding the application through TEAS, and agrees to receive communications concerning the application by electronic mail (e-mail).

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	
Final Action	07/00/05	
Final Action Effective	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0651–AB83

RIN: 0651–AB88

574. • AMENDMENT OF TRADEMARK RULES OF PRACTICE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1123; 35 USC 2

CFR Citation: 37 CFR 2.6, 2.21, 2.26, 2.32, 2.33, 2.34; 2.44, 2.45, 2.47, 2.52, 2.53, 2.56, 2.63; 2.65, 2.67, 2.74, 2.76, 2.77, 2.85; 2.86, 2.87, 2.88, 2.89, 2.99, 2.145; 2.146, 2.153, 2.161, 2.171, 2.172; 2.173, 2.175, 2.184, 2.198, 3.31; 3.85, 7.14, 7.25

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (USPTO) is amending

its rules to simplify and clarify procedures for (1) registering trademarks, (2) maintaining trademark registrations, (3) processing petitions to the Director in trademark cases, and (4) filing applications for international trademark registration and other documents pertaining to international registrations under the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) through the USPTO.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	10/00/05	
Final Action	12/00/05	
Final Action Effective	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB89

575. • AMENDMENT OF RULES FOR FILING INTENT TO USE DOCUMENTS IN SECTION 1(B) APPLICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1123; 35 USC 2

CFR Citation: 37 CFR 2.76, 2.87, 2.88, 2.89

Legal Deadline: None

Abstract: The Office amends the rules to (1) change the deadline for filing second and subsequent requests for extensions of time to file a statement of use under section 1(d)(2) of the Trademark Act, 15 U.S.C. 1051(d)(2), from six months to one year; and (2) simplify and clarify procedures pertaining to the filing of intent-to-use documents in applications under section 1(b) of the Act, 15 U.S.C. 1051(b).

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	11/00/05	
Final Action	01/00/06	
Final Action Effective	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB90

Department of Commerce (DOC) Patent and Trademark Office (PTO) — Final Rule Stage

576. • REVISION OF SEARCH AND EXAMINATION FEES FOR PATENT COOPERATION TREATY APPLICATIONS ENTERING THE NATIONAL STAGE IN THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2) and 376

CFR Citation: 36 CFP 1

Legal Deadline: None

Abstract: Among other changes to patent and trademark fees, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), splits the national fee for Patent Cooperation Treaty (PCT) applications entering the national stage into a separate national fee, search fee and examination fee, during fiscal years 2005 and 2006. This action revises the search and examination fee for PCT applications entering the national stage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/01/05	70 FR 5053
Interim Final Rule Effective	02/01/05	
Interim Final Rule Comment Period End	04/04/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB84

Department of Commerce (DOC) Patent and Trademark Office (PTO) — Long-Term Actions

577. CHANGES TO IMPLEMENT PRIORITY APPLICATION EXCHANGE BETWEEN INTELLECTUAL PROPERTY OFFICES

Priority: Substantive, Nonsignificant

CFR Citation: 37 CFR 1

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB75

DOC—PTO

Long-Term Actions

578. CHANGES TO IMPLEMENT THE COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT (CREATE) ACT OF 2004

Priority: Other Significant

CFR Citation: 37 CFR 1

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/05	70 FR 1818
Interim Final Rule Comment Period End	02/10/05	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB76

579. • CHANGES TO THE PRACTICE FOR HANDLING PATENT APPLICATIONS FILED WITHOUT THE APPROPRIATE FEES

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2) and 41

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: Among other changes to patent and trademark fees, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), splits the patent application filing fee into a separate filing fee, search fee and examination fee, and requires an additional fee (application size fee) for applications whose specification and drawings exceed 100 sheets of paper, during fiscal years 2005 and 2006. The United States Patent and Trademark Office is in this action changing the Office's practice for handling patent applications filed without the appropriate filing, search, and examination fees. The Office has implemented the changes to the patent fees provided in the Consolidated Appropriations Act in a separate rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9570
NPRM Comment Period End	03/30/05	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0651–AB54

RIN: 0651–AB87

Department of Commerce (DOC)
Patent and Trademark Office (PTO)

Completed Actions

580. CHANGES TO IMPLEMENT THE PATENT FEE RELATED PROVISIONS OF THE CONSOLIDATED APPROPRIATIONS ACT, 2005

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 41, 2(b)(2)

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), revises patent fees in general, and provides for a search fee and examination fee that are separate from the filing fee, during fiscal years 2005 and 2006. This final rule revises the patent fees set forth in the rules of practice to conform them to the patent fees set forth in the Consolidated Appropriations Act.

Timetable:

Action	Date	FR Cite
Final Action	01/27/05	70 FR 3880
Final Action Effective	12/08/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB54

581. FAST TRACK EXAMINATION

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1123; 35 USC 2; . . .

CFR Citation: 37 CFR 2.2; 37 CFR 2.6; 37 CFR 2.22; 37 CFR 2.23; 37 CFR 2.62; . . .

Legal Deadline: None

Abstract: The United States Patent and Trademark Office amends its rules to permit an applicant to obtain examination of an application for registration of a mark at a reduced fee if the applicant files a complete application through the Trademark Electronic Application System (TEAS), responds to Office actions within two months of the mailing date, files communications regarding the application through TEAS, and authorizes the Office to send communications concerning the application by electronic mail. This rule would also allow the Office to charge graduated fees for filing trademark applications, based upon the costs the Office incurs in processing the application.

Timetable:

Action	Date	FR Cite
Withdrawn	02/23/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB62

582. CHANGES TO SUPPORT IMPLEMENTATION OF THE UNITED STATES PATENT AND TRADEMARK OFFICE 21ST CENTURY STRATEGIC PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2)

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) has established a 21st Century Strategic Plan to transform the Office into a quality-focused, highly productive, responsive organization supporting a market-driven intellectual property system. The Office revised the rules of practice to support the implementation of the 21st Century Strategic Plan, which involves improving the patent application and examination process by promoting quality enhancement, reducing patent pendency, and using information technology to simplify the patent application process. The more notable changes being made by this action involve permitting typewritten signatures on documents submitted by facsimile, streamlining the requirements for incorporation by reference of priority applications, and clarifying the qualifications for claiming small entity status for purposes of paying reduced patent fees. These changes to the patent application and examination process are necessary for the Office to be able to process the long-term trend of increasing number of applications within a reasonable time frame.

Timetable:

Action	Date	FR Cite
NPRM	09/12/03	68 FR 53815
NPRM Comment Period End	11/12/03	
Final Rule	09/21/04	69 FR 56482
Final Rule Effective	10/21/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB64

583. • CHANGES IN FEES FOR FILING APPLICATIONS FOR TRADEMARK REGISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–447, secs 802 to 803

CFR Citation: 37 CFR 2

Legal Deadline: None

Abstract: This final rule adjusts the fees for filing applications for trademark registration to provide that the fee for an application filed on paper shall be $375.00 per class of goods or services and that the fee for filing an application electronically through the Trademark Electronic Application System shall be $325.00 per class of goods or services. The Office is amending certain rules in 37 CFR part 2 to set forth these new application filing fees in accordance with the fee provisions of the Trademark Act of 1946, as amended by the Consolidated Appropriations Act, 2005, (Pub. L. 108-447).

Timetable:

Action	Date	FR Cite
Final Action	01/19/05	70 FR 2952
Final Action Effective	01/31/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB83

584. • CORRESPONDENCE WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 553; 5 USC 3717; 35 USC 2(b)(2), 21, 41, 42, 122; 44 USC 3101; 35 USC 2(b)(2); 17 USC 901(a)(2); EO 12504

CFR Citation: 37 CFR 1; 37 CFR 102; 37 CFR 104; 37 CFR 150

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) is in the process of completing its move to Alexandria, Virginia. As a result, the Office revises the rules of practice to update the locations and telephone numbers specified in the rules in light of the move to Alexandria, Virginia.

Timetable:

Action	Date	FR Cite
Final Action	03/04/05	70 FR 10488

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651–AB86

Department of Commerce (DOC)
Technology Administration (TA)

Final Rule Stage

585. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS UNDER GOVERNMENT GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 206

CFR Citation: 37 CFR 401

Legal Deadline: None

Abstract: This action would amend the regulations to authorize the electronic reporting of inventions and the filing of provisional patent applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/95	60 FR 41811
Interim Final Rule Comment Period End	09/13/95	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0692–AA14

586. ACQUISITION AND PROTECTION OF FOREIGN RIGHTS IN INVENTIONS

Priority: Substantive, Nonsignificant

Legal Authority: EO 10096; 15 USC 3710d

CFR Citation: 37 CFR 101; 37 CFR 501

Legal Deadline: None

Abstract: On August 7, 1996, 37 CFR part 101 was abolished and 37 CFR part 501 expanded to cover foreign rights of inventions made by Federal employees. The Technology Administration will be evaluating the comments received on the interim final rule and will be making minor changes to the regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/07/96	61 FR 40997
Interim Final Rule Effective	08/07/96	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 0692–AA15

587. LICENSING OF GOVERNMENT–OWNED INVENTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Legal Deadline: None

Abstract: This action incorporates several changes made by the Federal Technology Commercialization Act of 2000 with respect to the granting of licenses by Federal agencies on Federally owned inventions. It also streamlines the licensing procedures to focus primarily on statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/07/05	70 FR 1403
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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