Monday,
June 28, 2004

Part IV

Department of Commerce

Semiannual Regulatory Agenda
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 2004 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 2003 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 fall 2003 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2004, through March 31, 2005.

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, DC 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 April 6, 2004, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the Fall 2003 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.

Explanation of Information Contained in the Agenda

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 2004 regulatory agenda follows.

Theodore W. Kassinger,
General Counsel.

Bureau of Economic Analysis—Proposed Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>290</td>
<td>BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons</td>
<td>0691–AA51</td>
</tr>
<tr>
<td>291</td>
<td>Benchmark Survey of U.S. Direct Investment Abroad - 2004</td>
<td>0691–AA52</td>
</tr>
</tbody>
</table>
### Bureau of Economic Analysis—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>292</td>
<td>International Services Surveys: BE-9, Quarterly Survey of Foreign Airline Operators’ Revenues and Expenses in the United States</td>
<td>0691–AA55</td>
</tr>
</tbody>
</table>

### Bureau of Economic Analysis—Completed Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>293</td>
<td>Annual Survey of Foreign Direct Investment in the United States</td>
<td>0691–AA48</td>
</tr>
<tr>
<td>294</td>
<td>Quarterly Surveys of International Trade in Services Between U.S. and Foreign Persons</td>
<td>0691–AA49</td>
</tr>
<tr>
<td>295</td>
<td>International Services Surveys: BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons</td>
<td>0691–AA50</td>
</tr>
<tr>
<td>297</td>
<td>International Services Surveys: BE-25, Quarterly Survey of Transactions With Unaffiliated Foreign Persons in Selected Services and in Intangible Assets</td>
<td>0691–AA54</td>
</tr>
</tbody>
</table>

### Bureau of the Census—Proposed Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>298</td>
<td>Full Mandatory Automated Export System (AES) Filing for Export Shipments</td>
<td>0607–AA38</td>
</tr>
<tr>
<td>299</td>
<td>Amendments to Age Search Fee Structure</td>
<td>0607–AA41</td>
</tr>
</tbody>
</table>

### Bureau of the Census—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
<td>Cutoff Dates for Recognition of Boundary Changes for Census 2000 and for the Intercensal Period</td>
<td>0607–AA35</td>
</tr>
</tbody>
</table>

### Bureau of the Census—Long-Term Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>301</td>
<td>Establishment of the 2010 Census Redistricting Program</td>
<td>0607–AA42</td>
</tr>
</tbody>
</table>

### Bureau of the Census—Completed Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>302</td>
<td>Annual Trade Survey</td>
<td>0607–AA40</td>
</tr>
</tbody>
</table>

### Economic Development Administration—Proposed Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>303</td>
<td>Economic Development Administration Regulations</td>
<td>0610–AA63</td>
</tr>
</tbody>
</table>
## General Administration—Long-Term Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
</table>

## International Trade Administration—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>305</td>
<td>Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders</td>
<td>0625–AA51</td>
</tr>
</tbody>
</table>

## International Trade Administration—Long-Term Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>307</td>
<td>Commercial Availability of Fabric and Yarn</td>
<td>0625–AA59</td>
</tr>
<tr>
<td>308</td>
<td>Steel Import Licensing and Surge Monitoring</td>
<td>0625–AA64</td>
</tr>
</tbody>
</table>

## International Trade Administration—Completed Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>309</td>
<td>Changes in the Insular Possessions Watch, Watch Movement, and Jewelry Program</td>
<td>0625–AA63</td>
</tr>
</tbody>
</table>

## Bureau of Industry and Security—Prerule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>310</td>
<td>License Exception APR for Reexports To, From, and Among Countries in Country Group A:1</td>
<td>0694–AC69</td>
</tr>
</tbody>
</table>

## Bureau of Industry and Security—Proposed Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>311</td>
<td>Chemical Weapons Convention Regulations</td>
<td>0694–AB06</td>
</tr>
<tr>
<td>312</td>
<td>Short Supply Controls: Crude Oil Exports</td>
<td>0694–AC25</td>
</tr>
<tr>
<td>313</td>
<td>Removal of Licensing Exemption for Exports and Reexports of Missile Technology-Controlled Items Destined to Canada</td>
<td>0694–AC48</td>
</tr>
<tr>
<td>314</td>
<td>Knowledge Definition, Safe Harbor, Red Flags</td>
<td>0694–AC94</td>
</tr>
<tr>
<td>315</td>
<td>Export Administration Regulations: Removal of Country Groups</td>
<td>0694–AD09</td>
</tr>
</tbody>
</table>

## Bureau of Industry and Security—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>316</td>
<td>Exports and Reexports to Sudan</td>
<td>0694–AC05</td>
</tr>
<tr>
<td>317</td>
<td>Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications via BIS’s Simplified Network Application Process (SNAP)</td>
<td>0694–AC20</td>
</tr>
</tbody>
</table>
### Bureau of Industry and Security—Final Rule Stage (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>318</td>
<td>License Exception AVS: Cuba, Libya, and Serbia</td>
<td>0694–AC33</td>
</tr>
<tr>
<td>319</td>
<td>License Application Denial Policy, “Red Flag” Indicators of Possible Inappropriate End-Use, End-User, or Destination</td>
<td>0694–AC68</td>
</tr>
<tr>
<td>320</td>
<td>Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the United States Munitions List</td>
<td>0694–AC74</td>
</tr>
<tr>
<td>321</td>
<td>Revisions of Energetic Material Export Licensing Jurisdiction Based on Review of the United States Munitions List</td>
<td>0694–AC75</td>
</tr>
<tr>
<td>322</td>
<td>Export and Reexport Controls on Iraq</td>
<td>0694–AC84</td>
</tr>
<tr>
<td>323</td>
<td>Clarification of Export Controls on Parts for Military Vehicles</td>
<td>0694–AC91</td>
</tr>
<tr>
<td>324</td>
<td>Revisions to the Export Administration Regulations: Missile Technology Production Equipment and Facilities Controlled Under ECCNs 9B115 and 9B116</td>
<td>0694–AC93</td>
</tr>
<tr>
<td>325</td>
<td>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.</td>
<td>0694–AC98</td>
</tr>
<tr>
<td>326</td>
<td>Microprocessor Technology Eligible for Export or Reexport Under License Exception</td>
<td>0694–AD02</td>
</tr>
<tr>
<td>327</td>
<td>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</td>
<td>0694–AD04</td>
</tr>
<tr>
<td>328</td>
<td>Revision of Licensees’ Responsibility To Communicate License Conditions</td>
<td>0694–AD05</td>
</tr>
<tr>
<td>329</td>
<td>Addition of Systems, Including Cameras, Incorporating Non-Space Qualified Infrared Amorphous Silicon Focal Plane Arrays, and Related Technology and Software, to the Commerce Control List</td>
<td>0694–AD06</td>
</tr>
<tr>
<td>330</td>
<td>Clarification of “Space-Qualified” Parts, Components, and Technology Subject to the Export Administration Regulations</td>
<td>0694–AD07</td>
</tr>
<tr>
<td>331</td>
<td>Revisions and Clarifications to the Export Administration Regulations</td>
<td>0694–AD08</td>
</tr>
<tr>
<td>332</td>
<td>Implementation of the Wassenaar Arrangement Statement of Understanding on the Control of Non-Listed Dual-Use Items</td>
<td>0694–AD10</td>
</tr>
<tr>
<td>333</td>
<td>Revisions to Export Administration Regulations as a Result of Membership Expansion of North Atlantic Treaty Organization (NATO)</td>
<td>0694–AD11</td>
</tr>
<tr>
<td>334</td>
<td>Entity List: Removal of Four Russian Entities</td>
<td>0694–AD12</td>
</tr>
<tr>
<td>335</td>
<td>India: Removal of Indian Entity and Revision in License Review Policy for Certain Indian Entities and a Clarification</td>
<td>0694–AD13</td>
</tr>
<tr>
<td>336</td>
<td>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”</td>
<td>0694–AD15</td>
</tr>
<tr>
<td>337</td>
<td>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”</td>
<td>0694–AD16</td>
</tr>
<tr>
<td>338</td>
<td>Revision of Export and Reexport Restrictions on Cuba</td>
<td>0694–AD17</td>
</tr>
<tr>
<td>339</td>
<td>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</td>
<td>0694–AD18</td>
</tr>
<tr>
<td>340</td>
<td>Encryption Export and Reexport Controls Revisions</td>
<td>0694–AD19</td>
</tr>
</tbody>
</table>

### Bureau of Industry and Security—Long-Term Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>341</td>
<td>Clarification of License Exception GFT (Humanitarian Donations)</td>
<td>0694–AB49</td>
</tr>
<tr>
<td>342</td>
<td>Export Administration Regulations; Support Documentation</td>
<td>0694–AC04</td>
</tr>
<tr>
<td>343</td>
<td>Expansion of License Exception GOV: Exports and Reexports to International Organizations</td>
<td>0694–AC15</td>
</tr>
<tr>
<td>344</td>
<td>De Minimis Expansion of Eligibility: U.S.-Origin Software Incorporated Into Foreign-Made Retail Commodities</td>
<td>0694–AC17</td>
</tr>
<tr>
<td>345</td>
<td>Revision to the Export Administration Regulations: Replacement Licenses</td>
<td>0694–AC23</td>
</tr>
<tr>
<td>346</td>
<td>Clarifications to Part 753: Special Comprehensive License Requirements</td>
<td>0694–AC34</td>
</tr>
<tr>
<td>347</td>
<td>Chemical Weapons Convention: Revisions to the Export Administration Regulations</td>
<td>0694–AC35</td>
</tr>
<tr>
<td>348</td>
<td>Revisions to the Export Administrative Regulations: Removal of the List of Missile Projects From Certain Country Groups and Revisions to Missile Controls</td>
<td>0694–AC46</td>
</tr>
<tr>
<td>349</td>
<td>Revision, Suspension, or Prohibition of Use of “No License Required” Provisions</td>
<td>0694–AC47</td>
</tr>
<tr>
<td>350</td>
<td>Revisions to License Exception TSR: Expansion to Scope of Eligible Countries</td>
<td>0694–AC71</td>
</tr>
<tr>
<td>351</td>
<td>Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices</td>
<td>0694–AC82</td>
</tr>
</tbody>
</table>
### Bureau of Industry and Security—Completed Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>352</td>
<td>Administration of State Log Exports Ban</td>
<td>0694–AB25</td>
</tr>
<tr>
<td>353</td>
<td>Revisions and Clarifications to the Export Administration Regulations (EAR)</td>
<td>0694–AC24</td>
</tr>
<tr>
<td>354</td>
<td>Crime Control Items: Revisions to the Commerce Control List</td>
<td>0694–AC31</td>
</tr>
<tr>
<td>355</td>
<td>Elimination of “National Security” as a Reason for Control for Certain Items on the Commerce Control List</td>
<td>0694–AC54</td>
</tr>
<tr>
<td>356</td>
<td>Computer Technology and Software Eligible for Export or Reexport Under License Exception TSR</td>
<td>0694–AC63</td>
</tr>
<tr>
<td>357</td>
<td>Protective Equipment Export License Jurisdiction</td>
<td>0694–AC64</td>
</tr>
<tr>
<td>358</td>
<td>Revisions to the Export Administration Regulations Based on the 2002 Missile Technology Control Regime Plenary Agreements</td>
<td>0694–AC76</td>
</tr>
<tr>
<td>359</td>
<td>Addition of East Timor, Netherlands Antilles, and Aruba to the Export Administration Regulations</td>
<td>0694–AC77</td>
</tr>
<tr>
<td>360</td>
<td>December 2002 Wassenaar Arrangement Plenary Agreement Implementation: Revisions to Categories 1, 2, 3, 4, 5, 6, and 7 of the Commerce Control List, and Reporting Requirements</td>
<td>0694–AC85</td>
</tr>
<tr>
<td>361</td>
<td>Lifting of UN Sanctions Against UNITA</td>
<td>0694–AC86</td>
</tr>
<tr>
<td>362</td>
<td>Amendment to the Export Administration Regulations: Revision to Export Control Classification Number 1C355</td>
<td>0694–AC87</td>
</tr>
<tr>
<td>363</td>
<td>Revisions and Clarifications to the Export Administration Regulations — Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention; Correction</td>
<td>0694–AC88</td>
</tr>
<tr>
<td>364</td>
<td>Best Practices for Exporters/Re-Exporters and Trade Facilitation/Freight Forwarding Companies Regarding the Transit, Transshipment, and Reexport of Dual-Use Items</td>
<td>0694–AC89</td>
</tr>
<tr>
<td>365</td>
<td>Addition of Kazakhstan to the Nuclear Suppliers Group (NSG), and Other Revisions</td>
<td>0694–AC90</td>
</tr>
<tr>
<td>366</td>
<td>Export Administration Regulations: Penalty Guidance in the Settlement of Administrative Enforcement Cases</td>
<td>0694–AC92</td>
</tr>
<tr>
<td>367</td>
<td>Computer and Microprocessor Technology and Software Eligible for Export or Reexport Under License Exception</td>
<td>0694–AC95</td>
</tr>
<tr>
<td>369</td>
<td>Chemical Weapons Convention Regulations: Electronic Submission of Declarations and Reports Under the Web Data Entry System for Industry (Web-DESI)</td>
<td>0694–AC97</td>
</tr>
<tr>
<td>371</td>
<td>December 2003 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5, 6, and 7 of the Commerce Control List, and Reporting Requirements</td>
<td>0694–AD00</td>
</tr>
<tr>
<td>372</td>
<td>Revisions to the Export Administration Regulations Based on the 2003 Missile Technology Control Regime Plenary Agreement</td>
<td>0694–AD01</td>
</tr>
<tr>
<td>373</td>
<td>Licensing Jurisdiction for QRS11 Micromachined Angular Rate Sensors</td>
<td>0694–AD03</td>
</tr>
<tr>
<td>374</td>
<td>Revision of Export and Reexport Restrictions on Libya</td>
<td>0694–AD14</td>
</tr>
</tbody>
</table>

### National Institute of Standards and Technology—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>375</td>
<td>Procedures for Implementation of the National Construction Safety Team Act</td>
<td>0693–AB53</td>
</tr>
</tbody>
</table>

### National Oceanic and Atmospheric Administration—Prerule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>376</td>
<td>Right Whale Ship Strike Reduction</td>
<td>0648–AS36</td>
</tr>
</tbody>
</table>

### National Oceanic and Atmospheric Administration—Proposed Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>377</td>
<td>Adjustment of Management Program: Bottomfish Fisheries in the Hawaiian Islands</td>
<td>0648–AK82</td>
</tr>
<tr>
<td>378</td>
<td>Amendment 12 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region</td>
<td>0648–AL67</td>
</tr>
<tr>
<td>379</td>
<td>Fishery Management Plan for Calico Scallop Fishery in the South Atlantic Region (FMP)</td>
<td>0648–AL78</td>
</tr>
<tr>
<td>380</td>
<td>Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region</td>
<td>0648–AM98</td>
</tr>
<tr>
<td>381</td>
<td>Amendment 18 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico</td>
<td>0648–AN09</td>
</tr>
</tbody>
</table>
### National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>382</td>
<td>Amendment 9 to the Fishery Management Plan Amendment for the Pelagic Fisheries of the Western Pacific Region (American Samoa Limited Access Program)</td>
<td>0648–AQ92</td>
</tr>
<tr>
<td>383</td>
<td>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</td>
<td>0648–AR60</td>
</tr>
<tr>
<td>384</td>
<td>Amendment 13B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region</td>
<td>0648–AR38</td>
</tr>
<tr>
<td>385</td>
<td>Amendment 10 to the Pacific Coast Groundfish Fishery Management Plan</td>
<td>0648–AR63</td>
</tr>
<tr>
<td>386</td>
<td>Amendment 10 to the Pacific Coast Groundfish Fishery Management Plan</td>
<td>0648–AR63</td>
</tr>
<tr>
<td>387</td>
<td>Amendment 10 to the Pacific Coast Groundfish Fishery Management Plan</td>
<td>0648–AR63</td>
</tr>
<tr>
<td>388</td>
<td>Amendment 8 to the Fishery Management Plan for the Offshore Groundfish Fishery of the Western Pacific Region</td>
<td>0648–AR65</td>
</tr>
<tr>
<td>389</td>
<td>Amendment 5 to the Offshore Groundfish Fishery of the Western Pacific Region</td>
<td>0648–AR67</td>
</tr>
<tr>
<td>390</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>391</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>392</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>393</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>394</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>395</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>396</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>397</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>398</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>399</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>400</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>401</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>402</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>403</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>404</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>405</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>406</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>407</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>408</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>409</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>410</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>411</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>412</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>413</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>414</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>415</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>416</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>417</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>418</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>419</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>420</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>421</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>422</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>423</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>424</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
<tr>
<td>425</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan</td>
<td>0648–AR86</td>
</tr>
</tbody>
</table>
### National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>426</td>
<td>Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations</td>
<td>0648–AS01</td>
</tr>
<tr>
<td>427</td>
<td>Atlantic Highly Migratory Species; Vessel Monitoring System (VMS) Requirement Effective Date for Atlantic Shark Fisheries</td>
<td>0648–AS07</td>
</tr>
<tr>
<td>428</td>
<td>Atlantic Highly Migratory Species; Atlantic Shark Commercial Management Measures</td>
<td>0648–AS08</td>
</tr>
<tr>
<td>429</td>
<td>Fish and Seafood Promotion Act</td>
<td>0648–AS09</td>
</tr>
<tr>
<td>430</td>
<td>Revised Definition of Alaska Local Time</td>
<td>0648–AS11</td>
</tr>
<tr>
<td>431</td>
<td>Individual Fishing Quota Departure Report</td>
<td>0648–AS12</td>
</tr>
<tr>
<td>432</td>
<td>Community Development Quota Regulatory Amendment To Modify Several Fishery Management Elements of the CDQ Program</td>
<td>0648–AS13</td>
</tr>
<tr>
<td>433</td>
<td>Amendment 81 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 74 to the Fishery Management Plan for Groundfish of the Gulf of Alaska</td>
<td>0648–AS14</td>
</tr>
<tr>
<td>434</td>
<td>Amendment 13 to Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters</td>
<td>0648–AS15</td>
</tr>
<tr>
<td>435</td>
<td>Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region</td>
<td>0648–AS16</td>
</tr>
<tr>
<td>436</td>
<td>Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine</td>
<td>0648–AS17</td>
</tr>
<tr>
<td>437</td>
<td>Eastern Pacific Tuna Controls</td>
<td>0648–AS18</td>
</tr>
<tr>
<td>438</td>
<td>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</td>
<td>0648–AS19</td>
</tr>
<tr>
<td>439</td>
<td>Annual Recreational Specifications for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2005</td>
<td>0648–AS21</td>
</tr>
<tr>
<td>440</td>
<td>Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery</td>
<td>0648–AS22</td>
</tr>
<tr>
<td>441</td>
<td>Specifications for the 2005 Fishing Year for the Atlantic Herring Fishery</td>
<td>0648–AS23</td>
</tr>
<tr>
<td>442</td>
<td>Specifications for the Spiny Dogfish Fishery for Fishing Year 2005</td>
<td>0648–AS24</td>
</tr>
<tr>
<td>443</td>
<td>Amendment 16-3 to the Pacific Coast Groundfish Fishery Management Plan</td>
<td>0648–AS26</td>
</tr>
<tr>
<td>444</td>
<td>Pacific Coast Groundfish Fishery; Announcement of 2005-2006 Groundfish</td>
<td>0648–AS27</td>
</tr>
<tr>
<td>445</td>
<td>Regulatory Amendment Governing the Use of Electronic Logbook Forms in Western Pacific Fisheries</td>
<td>0648–AS29</td>
</tr>
<tr>
<td>446</td>
<td>Adjustment of Management Program To Protect Seabirds in Pelagic Fisheries of the Western Pacific Region</td>
<td>0648–AS30</td>
</tr>
<tr>
<td>447</td>
<td>Amendment 6 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region</td>
<td>0648–AS31</td>
</tr>
<tr>
<td>448</td>
<td>Framework 40B to the Northeast Multispecies Fishery Management Plan</td>
<td>0648–AS33</td>
</tr>
<tr>
<td>449</td>
<td>Framework 40A to the Northeast Multispecies Fishery Management Plan</td>
<td>0648–AS34</td>
</tr>
<tr>
<td>450</td>
<td>Framework 1 to the Red Crab Fishery Management Plan</td>
<td>0648–AS35</td>
</tr>
<tr>
<td>451</td>
<td>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</td>
<td>0648–AS38</td>
</tr>
<tr>
<td>452</td>
<td>Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean</td>
<td>0648–AS39</td>
</tr>
<tr>
<td>453</td>
<td>Gulf of Alaska Steller Sea Lion Protection Measures Revisions</td>
<td>0648–AS41</td>
</tr>
<tr>
<td>454</td>
<td>Amend Regulations Governing the Taking and Importing of Marine Mammals</td>
<td>0648–AH83</td>
</tr>
<tr>
<td>455</td>
<td>North Atlantic Whale Protection</td>
<td>0648–AM85</td>
</tr>
<tr>
<td>456</td>
<td>Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild</td>
<td>0648–AN43</td>
</tr>
<tr>
<td>457</td>
<td>Endangered and Threatened Species; Permit Exemptions</td>
<td>0648–AO37</td>
</tr>
<tr>
<td>458</td>
<td>Captive Steller Sea Lions</td>
<td>0648–AO81</td>
</tr>
<tr>
<td>459</td>
<td>Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska</td>
<td>0648–AP62</td>
</tr>
<tr>
<td>460</td>
<td>Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Conducting Oil and Gas Exploration Activities in the Gulf of Mexico</td>
<td>0648–AQ71</td>
</tr>
<tr>
<td>461</td>
<td>Designate Critical Habitat; Withdraw Previous Designations</td>
<td>0648–AQ77</td>
</tr>
<tr>
<td>462</td>
<td>Regulations Implementing the Bottlenose Dolphin Take Reduction Plan</td>
<td>0648–AR39</td>
</tr>
<tr>
<td>463</td>
<td>Sea Turtle Conservation; Restrictions to Fishing Activities</td>
<td>0648–AR81</td>
</tr>
<tr>
<td>464</td>
<td>Listing Determinations for 27 ESUs of West Coast Salmon and Oncorhynchus Mykiss</td>
<td>0648–AR93</td>
</tr>
<tr>
<td>465</td>
<td>Taking Marine Mammals Incidental to Navy Operation</td>
<td>0648–AR99</td>
</tr>
<tr>
<td>466</td>
<td>Taking and Importing Marine Mammals: Military Readiness Activities and Scientific Research Activities Conducted by or on Behalf of the Federal Government</td>
<td>0648–AS06</td>
</tr>
</tbody>
</table>

### National Oceanic and Atmospheric Administration—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>467</td>
<td>Regulatory Amendment To Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery</td>
<td>0648–AK26</td>
</tr>
</tbody>
</table>
### National Oceanic and Atmospheric Administration—Final Rule Stage (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>468</td>
<td>Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan</td>
<td>0648–AN16</td>
</tr>
<tr>
<td>469</td>
<td>Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP)</td>
<td>0648–AN17</td>
</tr>
<tr>
<td>470</td>
<td>Full Retention of Demersal Shelf Rockfish in Gulf of Alaska Area 650</td>
<td>0648–AP73</td>
</tr>
<tr>
<td>471</td>
<td>Amendment to Fishery Management Plan for Reef Fish Resources of Gulf of Mexico to Set 10-Year Rebuilding Plan for Red Grouper</td>
<td>0648–AP95</td>
</tr>
<tr>
<td>472</td>
<td>Atlantic Highly Migratory Species (HMS); Bigeye Tuna and Swordfish Trade Statistical Document Programs</td>
<td>0648–AQ95</td>
</tr>
<tr>
<td>473</td>
<td>Atlantic Highly Migratory Species; Billfish and Swordfish Recreational Fishing</td>
<td>0648–AQ96</td>
</tr>
<tr>
<td>474</td>
<td>Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2004</td>
<td>0648–AQ82</td>
</tr>
<tr>
<td>475</td>
<td>Annual Specifications for the Atlantic Bluefish Fishery for 2004</td>
<td>0648–AQ85</td>
</tr>
<tr>
<td>476</td>
<td>Atlantic Highly Migratory Species; Atlantic Swordfish Quotas</td>
<td>0648–AQ90</td>
</tr>
<tr>
<td>477</td>
<td>Amendment 66 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska</td>
<td>0648–AQ98</td>
</tr>
<tr>
<td>478</td>
<td>Atlantic Highly Migratory Species; Trade Restrictive Measures</td>
<td>0648–AR10</td>
</tr>
<tr>
<td>479</td>
<td>Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations</td>
<td>0648–AR33</td>
</tr>
<tr>
<td>480</td>
<td>Maximum Retainable Amount</td>
<td>0648–AR41</td>
</tr>
<tr>
<td>481</td>
<td>Regulatory Amendment To Prohibited Species Catch Donation Regulations To Allow Processing of Heads and Guts</td>
<td>0648–AR64</td>
</tr>
<tr>
<td>482</td>
<td>Amendment 21 to the Reef Fish Fishery Management Plan</td>
<td>0648–AR66</td>
</tr>
<tr>
<td>483</td>
<td>Amendment 63 to the Fishery Management Plan for Groundfish of the Gulf of Alaska</td>
<td>0648–AR73</td>
</tr>
<tr>
<td>484</td>
<td>Atlantic Highly Migratory Species: Sea Turtle Bycatch Mitigation</td>
<td>0648–AR80</td>
</tr>
<tr>
<td>485</td>
<td>Revisions to the Pacific Halibut Catch Sharing Plan for 2004 and Beyond</td>
<td>0648–AR83</td>
</tr>
<tr>
<td>486</td>
<td>Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California</td>
<td>0648–AS03</td>
</tr>
<tr>
<td>487</td>
<td>Reduction to Harvest Restrictions for Harvest Limit Area Atka Mackerel Fishery in Aleutian Islands Subarea</td>
<td>0648–AS10</td>
</tr>
<tr>
<td>488</td>
<td>Technical Amendment to Rulemaking Extending the North Pacific Groundfish Fisheries Observer Program Beyond 2002</td>
<td>0648–AS20</td>
</tr>
<tr>
<td>489</td>
<td>Atlantic Highly Migratory Species (HMS); Atlantic Shark Quota Adjustment for the North Atlantic Region</td>
<td>0648–AS28</td>
</tr>
<tr>
<td>490</td>
<td>Request for Research Proposals Supported Under a Research Set-Aside Program for Fishing Year 2006</td>
<td>0648–AS32</td>
</tr>
<tr>
<td>491</td>
<td>Atlantic Large Whale 2002 Seasonal Area Management (SAM) Program</td>
<td>0648–AP68</td>
</tr>
<tr>
<td>492</td>
<td>Provide Regulations for Permits for Capture, Transport, Import, and Export of Protected Species for Public Display, and for Maintaining a Captive Marine Mammal Inventory</td>
<td>0648–AH26</td>
</tr>
<tr>
<td>493</td>
<td>Designated Critical Habitat: Proposed Critical Habitat for Northern California Steelhead</td>
<td>0648–AO04</td>
</tr>
<tr>
<td>494</td>
<td>Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives</td>
<td>0648–AO16</td>
</tr>
<tr>
<td>495</td>
<td>Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank</td>
<td>0648–AQ51</td>
</tr>
<tr>
<td>496</td>
<td>Endangered Species and Pesticide Regulation</td>
<td>0648–AQ69</td>
</tr>
<tr>
<td>497</td>
<td>Zero Mortality Rate Goal</td>
<td>0648–AR15</td>
</tr>
<tr>
<td>498</td>
<td>List of Fisheries for 2004</td>
<td>0648–AS04</td>
</tr>
<tr>
<td>499</td>
<td>Procedures for Limiting Capacity of the Tuna Purse Seine Fleet in the Eastern Tropical Pacific Ocean (ETP); Updates to the Tuna Tracking and Verification Program</td>
<td>0648–AS05</td>
</tr>
<tr>
<td>500</td>
<td>Gray’s Reef National Marine Sanctuary</td>
<td>0648–AQ41</td>
</tr>
</tbody>
</table>

### National Oceanic and Atmospheric Administration—Long-Term Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>501</td>
<td>Proposed Highly Migratory Species Process</td>
<td>0648–AK40</td>
</tr>
<tr>
<td>502</td>
<td>Amendment 1 to the Fishery Management Plan for the Tilefish Fishery</td>
<td>0648–AS25</td>
</tr>
<tr>
<td>503</td>
<td>Amendment 82 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area</td>
<td>0648–AS35</td>
</tr>
<tr>
<td>504</td>
<td>Interagency Policy on the Prescription of Fishways Under Section 18 of the Federal Power Act</td>
<td>0648–AO70</td>
</tr>
<tr>
<td>505</td>
<td>Policy for Review of Mandatory Conditions Developed by the Departments of the Interior and Commerce in the Context of Hydropower Licensing</td>
<td>0648–AO84</td>
</tr>
<tr>
<td>506</td>
<td>Revision of Overflight Regulations</td>
<td>0648–AO91</td>
</tr>
<tr>
<td>507</td>
<td>Interagency Consultation for the National Marine Sanctuary Program</td>
<td>0648–AL06</td>
</tr>
<tr>
<td>508</td>
<td>Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries</td>
<td>0648–AO36</td>
</tr>
<tr>
<td>509</td>
<td>Procedural Changes to the Federal Consistency Process</td>
<td>0648–AP98</td>
</tr>
<tr>
<td>510</td>
<td>Certification Requirements for NOAA Electronic Navigational Chart Distribution</td>
<td>0648–AR87</td>
</tr>
<tr>
<td>511</td>
<td>Coastal Zone Management Act Federal Consistency Regulations</td>
<td>0648–AR16</td>
</tr>
</tbody>
</table>
### National Oceanic and Atmospheric Administration—Long-Term Actions (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>512</td>
<td>Regional Marine Research Program</td>
<td>0648–AF20</td>
</tr>
</tbody>
</table>

### National Oceanic and Atmospheric Administration—Completed Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>513</td>
<td>Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands</td>
<td>0648–AG87</td>
</tr>
<tr>
<td>514</td>
<td>Revise Exempted Fishing Regulations To Specify Compensatory Fishing Under Exempted Fishing</td>
<td>0648–AK84</td>
</tr>
<tr>
<td>515</td>
<td>Amendment 10 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP)</td>
<td>0648–AM23</td>
</tr>
<tr>
<td>516</td>
<td>Enhanced Measures To Mitigate Seabird Bycatch in the Alaska Longline Fisheries (Hook-and-Line)</td>
<td>0648–AM30</td>
</tr>
<tr>
<td>517</td>
<td>Implementation of Western Pacific Coral Reef Ecosystem Fishery Management Plan (FMP)</td>
<td>0648–AM97</td>
</tr>
<tr>
<td>518</td>
<td>Amendment 7 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic FMP</td>
<td>0648–AN08</td>
</tr>
<tr>
<td>519</td>
<td>Fishery Management Plan (FMP) for Sargassum Habitat of the South Atlantic</td>
<td>0648–AN87</td>
</tr>
<tr>
<td>520</td>
<td>Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic, Caribbean, and Gulf of Mexico (FMP) of the Atlantic</td>
<td>0648–AQ22</td>
</tr>
<tr>
<td>521</td>
<td>Atlantic Highly Migratory Species; Exempted Fishing Permits Procedures</td>
<td>0648–AQ79</td>
</tr>
<tr>
<td>522</td>
<td>Amendment 13A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region</td>
<td>0648–AQ96</td>
</tr>
<tr>
<td>523</td>
<td>Fishing Capacity Reduction Program for the Crab Species Covered by the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs</td>
<td>0648–AP25</td>
</tr>
<tr>
<td>524</td>
<td>Implementation of Fishery Management Plan for Highly Migratory Species Fisheries Off the West Coast</td>
<td>0648–AP42</td>
</tr>
<tr>
<td>525</td>
<td>Regulatory Amendment Under the Coastal Migratory Pelagics Fishery Management Plan</td>
<td>0648–AP57</td>
</tr>
<tr>
<td>526</td>
<td>Atlantic Surf Clam and Ocean Quahog Fisheries; Amendment 13</td>
<td>0648–AP66</td>
</tr>
<tr>
<td>527</td>
<td>Amendment to Regulations for Observer At-Sea Electronic Communication Equipment Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries</td>
<td>0648–AP73</td>
</tr>
<tr>
<td>528</td>
<td>IFQ Recordkeeping and Reporting Requirements for Catcher Vessels; BSAI Amendment 72 and SOA Amendment 64</td>
<td>0648–AP92</td>
</tr>
<tr>
<td>529</td>
<td>Fleet Capacity Control for U.S. Tuna Purse Seine Fisheries in the Eastern Pacific Ocean</td>
<td>0648–AQ22</td>
</tr>
<tr>
<td>530</td>
<td>Implementation of U.S. - Canada Albacore Treaty</td>
<td>0648–AQ22</td>
</tr>
<tr>
<td>531</td>
<td>Amendment 1 to the Atlantic Herring Fishery Management Plan (FMP) and Amendment 2 to the Atlantic Salmon FMP to Address Essential Fish Habitat Conservation Measures</td>
<td>0648–AQ27</td>
</tr>
<tr>
<td>532</td>
<td>Atlantic Highly Migratory Species (HMS); 2003 Bluefin Tuna Quota Specifications and Effort Controls</td>
<td>0648–AQ38</td>
</tr>
<tr>
<td>533</td>
<td>Rulemaking To Correct the Salmon Fishery Coordinates as Implemented in Amendment 3 to the Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska</td>
<td>0648–AQ48</td>
</tr>
<tr>
<td>534</td>
<td>Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Vessel Monitoring System</td>
<td>0648–AQ58</td>
</tr>
<tr>
<td>535</td>
<td>Continuation of Measures To Reduce Fishing Mortality in the Northeast Multispecies Fishery and Implement a DAS Leasing Program</td>
<td>0648–AQ72</td>
</tr>
<tr>
<td>536</td>
<td>Changes to Eligibility Criteria for Bering Sea and Aleutian Islands Crab License Limitation Program</td>
<td>0648–AQ73</td>
</tr>
<tr>
<td>537</td>
<td>Annual Specifications for the Surf Clam and Ocean Quahog Fisheries for 2004</td>
<td>0648–AQ79</td>
</tr>
<tr>
<td>538</td>
<td>Annual Specifications for the Summer Flounder, Soup, and Black Sea Bass Fisheries for 2004</td>
<td>0648–AQ80</td>
</tr>
<tr>
<td>539</td>
<td>Specifications for the 2004-2005 Fishing Year for the Spiny Dogfish Fishery</td>
<td>0648–AQ81</td>
</tr>
<tr>
<td>540</td>
<td>Annual Specifications for the Atlantic Mackerel, Squid, and Butterflyfish Fisheries for 2004</td>
<td>0648–AQ83</td>
</tr>
<tr>
<td>541</td>
<td>Annual Specifications for the Atlantic Herring Fishery for 2004</td>
<td>0648–AQ84</td>
</tr>
<tr>
<td>542</td>
<td>“Other Species” CDQ Reserve Management</td>
<td>0648–AQ88</td>
</tr>
<tr>
<td>543</td>
<td>Eastern Pacific Tuna Controls</td>
<td>0648–AQ93</td>
</tr>
<tr>
<td>544</td>
<td>Atlantic Highly Migratory Species (HMS); Atlantic Shark Management Measures</td>
<td>0648–AQ95</td>
</tr>
<tr>
<td>545</td>
<td>Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel</td>
<td>0648–AQ96</td>
</tr>
<tr>
<td>546</td>
<td>Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine</td>
<td>0648–AQ97</td>
</tr>
<tr>
<td>547</td>
<td>Port Codes Integration in Table 14</td>
<td>0648–AR07</td>
</tr>
<tr>
<td>548</td>
<td>Regulatory Amendment To Change Reporting Areas 620 and 630</td>
<td>0648–AR08</td>
</tr>
<tr>
<td>549</td>
<td>Weakfish: Increase in Incidental Catch per Amendment 4</td>
<td>0648–AR11</td>
</tr>
<tr>
<td>550</td>
<td>Atlantic Highly Migratory Species (HMS); Bluefin Tuna Season and Size Limit Adjustments</td>
<td>0648–AR12</td>
</tr>
<tr>
<td>551</td>
<td>Regulatory Amendment To Correct Effective Dates for Regulatory Changes in 77 FR 79692 (December 30, 2002)</td>
<td>0648–AR13</td>
</tr>
<tr>
<td>552</td>
<td>Amendment 77 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area</td>
<td>0648–AR31</td>
</tr>
<tr>
<td>553</td>
<td>Modification of Housing Requirements for Observers</td>
<td>0648–AR32</td>
</tr>
<tr>
<td>554</td>
<td>Amendment 16-2 to the Pacific Coast Groundfish Fishery Management Plan</td>
<td>0648–AR35</td>
</tr>
</tbody>
</table>
### National Oceanic and Atmospheric Administration—Completed Actions (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>555</td>
<td>Amendment 16-1 to the Pacific Coast Groundfish Fishery Management Plan</td>
<td>0648–AR36</td>
</tr>
<tr>
<td>556</td>
<td>Consideration of a Control Date for Bottomfishing Vessels in the EEZ Around Guam and Commonwealth of the Northern Mariana Islands</td>
<td>0648–AR37</td>
</tr>
<tr>
<td>557</td>
<td>Emergency Rule To Close the Federal Tilefish Fishery</td>
<td>0648–AR40</td>
</tr>
<tr>
<td>558</td>
<td>Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan; Framework Adjustment 3</td>
<td>0648–AR43</td>
</tr>
<tr>
<td>559</td>
<td>Framework 4 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan</td>
<td>0648–AR44</td>
</tr>
<tr>
<td>560</td>
<td>Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Program in the North Pacific Groundfish Fisheries; Correction</td>
<td>0648–AR46</td>
</tr>
<tr>
<td>561</td>
<td>Establish Referendum Procedures and a Vote Weighting Formula for the Gulf of Mexico Red Snapper Individual Fishing Quota (IFQ) Program</td>
<td>0648–AR48</td>
</tr>
<tr>
<td>562</td>
<td>Implement Electronic Dealer Reporting and Adjustments to Vessel Reporting Requirements</td>
<td>0648–AR49</td>
</tr>
<tr>
<td>563</td>
<td>Pacific Coast Groundfish Fishery; Announcement of the 2004 Groundfish Fishery Specifications and Management Measures</td>
<td>0648–AR54</td>
</tr>
<tr>
<td>564</td>
<td>Annual Specifications for the Deep-Sea Red Crab Fishery for Fishing Year 2004</td>
<td>0648–AR58</td>
</tr>
<tr>
<td>565</td>
<td>Framework 4 to the Summer Flounder, Scup, and Black Sea Bass Fishery</td>
<td>0648–AR62</td>
</tr>
<tr>
<td>566</td>
<td>January-February 2004 Management Measures for the Pacific Coast Groundfish Fishery</td>
<td>0648–AR68</td>
</tr>
<tr>
<td>567</td>
<td>Technical Amendment To Update and Correct OMB Control Numbers and Regulatory Citations for NMFS Information Collection Requirements</td>
<td>0648–AR71</td>
</tr>
<tr>
<td>568</td>
<td>Amendment 17 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs</td>
<td>0648–AR74</td>
</tr>
<tr>
<td>569</td>
<td>Reinstatement of the Vessel Permit Requirements for the Tilefish Fishery as Established Under the Tilefish Fishery Management Plan</td>
<td>0648–AR75</td>
</tr>
<tr>
<td>570</td>
<td>Rule To Implement Electronic Reporting Requirements for Seafood Dealers in the Northeast</td>
<td>0648–AR79</td>
</tr>
<tr>
<td>571</td>
<td>Announcement of Development of and Establishment of Control Date for Trawl Individual Quota Program in the Pacific Coast Groundfish Limited Entry Trawl Fishery</td>
<td>0648–AR82</td>
</tr>
<tr>
<td>572</td>
<td>Conserve Sea Turtles in the Western Pacific Pelagic Fisheries</td>
<td>0648–AR84</td>
</tr>
<tr>
<td>573</td>
<td>Target Total Allowable Catch Levels (TACs), Trip Limits and Days-at-Sea (DAS) Allocations for the Monkfish Fishery for the 2004 Fishing Year</td>
<td>0648–AR89</td>
</tr>
<tr>
<td>574</td>
<td>Commercial Penaeid Shrimp Fishery of the South Atlantic; Establishment of New Control Date</td>
<td>0648–AR91</td>
</tr>
<tr>
<td>575</td>
<td>Emergency Rule To Implement Management Measures for the 2004 Atlantic Sea Scallop Fishing Year</td>
<td>0648–AR92</td>
</tr>
<tr>
<td>576</td>
<td>2004 Halibut Management Measures</td>
<td>0648–AR95</td>
</tr>
<tr>
<td>577</td>
<td>Request for Research Proposals Supported Under a Research Set-Aside Program</td>
<td>0648–AR98</td>
</tr>
<tr>
<td>578</td>
<td>Listing Endangered and Threatened Wildlife and Designating Critical Habitat; 12-Month Finding</td>
<td>0648–AP94</td>
</tr>
<tr>
<td>579</td>
<td>Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations</td>
<td>0648–AQ13</td>
</tr>
<tr>
<td>580</td>
<td>Joint Counterpart Regulations With FS, BLM, BIA, FWS, NPS, and NOAA Fisheries Under Section 7 of the ESA</td>
<td>0648–AR05</td>
</tr>
<tr>
<td>581</td>
<td>Alaska Transient Killer Whales (AT1 Group) Designated as Depleted</td>
<td>0648–AR14</td>
</tr>
<tr>
<td>582</td>
<td>Implement a Prohibition on Shallow Style Longline Sets</td>
<td>0648–AR53</td>
</tr>
<tr>
<td>583</td>
<td>Protect Endangered and Threatened Sea Turtles; Restrictions to Virginia Pound Net Fishery</td>
<td>0648–AR69</td>
</tr>
<tr>
<td>584</td>
<td>Taking of Marine Mammals Incidental to Space Vehicle and Test Flight Activities</td>
<td>0648–AR70</td>
</tr>
<tr>
<td>585</td>
<td>Authorization for Commercial Fisheries; Correction</td>
<td>0648–AR94</td>
</tr>
<tr>
<td>586</td>
<td>Certification of the Use of Long-Flap Double-Cover Flap TED in the Southeast United States Under Sea Turtle Conservation Regulations</td>
<td>0648–AS02</td>
</tr>
</tbody>
</table>

### Patent and Trademark Office—Proposed Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>587</td>
<td>Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board</td>
<td>0651–AB56</td>
</tr>
<tr>
<td>588</td>
<td>Fast Track Examination</td>
<td>0651–AB62</td>
</tr>
</tbody>
</table>

### Patent and Trademark Office—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>589</td>
<td>Rules of Practice Before the Board of Patent Appeals and Interferences</td>
<td>0651–AB32</td>
</tr>
</tbody>
</table>
### Patent and Trademark Office—Final Rule Stage (Continued)

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>591</td>
<td>Changes in Requirements for Amendment and Correction of Trademark Registrations</td>
<td>0651–AB67</td>
</tr>
<tr>
<td>592</td>
<td>Revision of Patent and Trademark Fees for Fiscal Year 2005</td>
<td>0651–AB70</td>
</tr>
<tr>
<td>593</td>
<td>Elimination of Credit Cards as Payment for Replenishing Deposit Accounts</td>
<td>0651–AB74</td>
</tr>
</tbody>
</table>

### Patent and Trademark Office—Long-Term Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>595</td>
<td>Changes to Representation of Others Before the United States Patent and Trademark Office</td>
<td>0651–AB55</td>
</tr>
<tr>
<td>596</td>
<td>Revision of United States Patent and Trademark Office Practice for Handling Patent Applications Filed Without the Appropriate Fees</td>
<td>0651–AB69</td>
</tr>
</tbody>
</table>

### Patent and Trademark Office—Completed Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>597</td>
<td>Processing Fee for Use of Paper Forms for Submission of Applications for Registration and Other Documents</td>
<td>0651–AB52</td>
</tr>
<tr>
<td>598</td>
<td>Changes To Implement the 2002 Inter Parties Reexamination and Other Technical Amendments to the Patent Statute</td>
<td>0651–AB57</td>
</tr>
<tr>
<td>599</td>
<td>Revision of Search and Preliminary Examination Fees for International Applications</td>
<td>0651–AB61</td>
</tr>
<tr>
<td>600</td>
<td>Changes Related to Assignments of Patents and Trademarks</td>
<td>0651–AB63</td>
</tr>
</tbody>
</table>

### Technology Administration—Proposed Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>602</td>
<td>Licensing of Government-Owned Inventions</td>
<td>0692–AA19</td>
</tr>
</tbody>
</table>

### Technology Administration—Final Rule Stage

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>603</td>
<td>Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements</td>
<td>0692–AA14</td>
</tr>
<tr>
<td>604</td>
<td>Acquisition and Protection of Foreign Rights in Inventions</td>
<td>0692–AA15</td>
</tr>
</tbody>
</table>

### Technology Administration—Completed Actions

<table>
<thead>
<tr>
<th>Sequence Number</th>
<th>Title</th>
<th>Regulation Identifier Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>605</td>
<td>Amendment to Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements</td>
<td>0692–AA18</td>
</tr>
</tbody>
</table>
290. 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 will 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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
Phone: 202 606–9890
Fax: 202 606–5318
Email: obie.whichard@bea.gov
RIN: 0691–AA51

291. 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 will 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>01/00/05</td>
<td></td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>02/00/05</td>
<td></td>
</tr>
</tbody>
</table>

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
Phone: 202 606–9890
Fax: 202 606–5318
Email: obie.whichard@bea.gov
RIN: 0691–AA52

292. INTERNATIONAL SERVICES SURVEYS: BE–9, QUARTERLY SURVEY OF FOREIGN AIRLINE OPERATORS’ REVENUES AND EXPENSES IN THE UNITED STATES

Priority: Substantive, Nonsignificant
Legal Authority: 22 USC 3101 to 3108
CFR Citation: 15 CFR 801
Legal Deadline: None
Abstract: This action would amend 15 CFR part 801 to institute a new survey, BE-9, International Services Surveys: BE-9, Quarterly Survey of Foreign Airline Operators’ Revenues and Expenses in the United States, to be conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/17/03</td>
<td>68 FR 59750</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/16/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Edward Dozier, Department of Commerce, Bureau of Economic Analysis, HCHB Room 4868A, 14th & Pennsylvania Avenue, NW., Washington, DC 20230
Phone: 202 606–9559
Email: edward.dozier@bea.gov
RIN: 0691–AA55
293. **ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 22 USC 3101 to 3108  
**CFR Citation:** 15 CFR 806  
**Legal Deadline:** None  

**Abstract:** This action will amend 15 CFR 806.15 to raise the threshold for reporting on the BE-15, Annual Survey of Foreign Direct Investment in the United States, and to bring the survey into conformity with the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2002.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/29/03</td>
<td>68 FR 51942</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/28/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/05/03</td>
<td>68 FR 67939</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>01/05/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** 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  
Phone: 202 606–9890  
Fax: 202 606–5318  
Email: obie.whichard@bea.gov  
**Related RIN:** Related to 0691–AA50, Related to 0691–AA53, Related to 0691–AA54, Related to 0691–AA55  
**RIN:** 0691–AA49

295. **INTERNATIONAL SERVICES SURVEYS: BE–85, QUARTERLY 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; 15 USC 4908  
**CFR Citation:** 15 CFR 801  
**Legal Deadline:** None  

**Abstract:** This rule would amend 15 CFR part 801 to institute a new survey, BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons, to be conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce. The BE-85 survey is mandatory and will be conducted under the International Investment and Trade in Services Survey Act and under Section 5408 of the Omnibus Trade and Competitiveness Act of 1988. The first survey conducted under this rule will cover transactions in the first quarter of 2004. The BE-85 survey will cover the same financial services presently covered by the BE-82, Annual Survey of Financial Service Transaction Between U.S. Financial Service Providers and Unaffiliated Foreign Persons. Following a new annual data collection for 2003, the BE-85 survey would replace the BE-82.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/29/03</td>
<td>68 FR 51939</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/28/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/06/03</td>
<td>68 FR 69955</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>01/15/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** 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  
Phone: 202 606–9890  
Fax: 202 606–5318  
Email: obie.whichard@bea.gov  
**Related RIN:** Related to 0691–AA50  
**RIN:** 0691–AA50

296. **INTERNATIONAL SERVICES SURVEYS: BE–45, QUARTERLY SURVEY OF INSURANCE TRANSACTIONS BY U.S. INSURANCE COMPANIES WITH FOREIGN PERSONS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 22 USC 3101 to 3108  
**CFR Citation:** 15 CFR 801  
**Legal Deadline:** None  

**Abstract:** The Bureau of Economic Analysis (BEA) amends 15 CFR part 801 to institute a new survey, BE-45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons, to be conducted by BEA. The survey is mandatory and will be conducted under the International Investment and Trade in Services Survey Act. Data from the proposed BE-45 survey are needed to monitor trade in insurance services, analyze its impact on the U.S. and foreign economies, compile and improve the U.S. economic accounts, support U.S. commercial policy on financial services, conduct trade promotion, improve the ability of U.S. businesses to identify and evaluate market opportunities, and for other Government uses.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/29/03</td>
<td>68 FR 51939</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/28/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/06/03</td>
<td>68 FR 69955</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>01/15/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** 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  
Phone: 202 606–9890  
Fax: 202 606–5318  
Email: obie.whichard@bea.gov  
**RIN:** 0691–AA50

---

Data from the BE-85 survey are needed to monitor trade in financial services, analyze its impact on the U.S. and foreign economies, compile and improve the U.S. economic accounts, support U.S. commercial policy on financial services, conduct trade promotion, improve the ability of U.S. businesses to identify and evaluate market opportunities, and for other Government uses.
services, conduct trade promotion, improve the ability of U.S. businesses to identify and evaluate market opportunities, and for other Government uses.

The survey will cover the same insurance services presently covered by the BE-48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons, and auxiliary insurance services presently covered by the Benchmark and Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons (Forms BE-20 and BE-22).

**Timetable:**

**Action** | **Date** | **FR Cite**
--- | --- | ---
NPRM | 09/23/03 | 68 FR 55202
NPRM Comment | 11/24/03 | 
Period End | 
Final Action | 12/31/03 | 68 FR 75408
Final Action Effective | 01/30/04 | 

**Regulatory Flexibility Analysis Required:** 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

Phone: 202 606–9890
Fax: 202 606–5318
Email: obie.whichard@bea.gov

**RIN:** 0691–AA53

297. INTERNATIONAL SERVICES SURVEYS: BE–25, QUARTERLY SURVEY OF TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS IN SELECTED SERVICES AND IN INTANGIBLE ASSETS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 22 USC 3101 to 3108

**CFR Citation:** 15 CFR 801

**Legal Deadline:** None

**Abstract:** The Bureau of Economic Analysis (BEA) amends 15 CFR part 801 to institute a new survey, BE-25, Quarterly Survey of Transactions with Unaffiliated Foreign Persons in Selected Services and in Intangible Assets, to be conducted by the BEA.

Data from the proposed BE-25 survey are needed to monitor trade in services and intangible assets, analyze its impact on the U.S. and foreign economies, compile and improve the U.S. economic accounts, support U.S. commercial policy on financial services, conduct trade promotion, improve the ability of U.S. businesses to identify and evaluate market opportunities, and for other Government and public uses.

The proposed survey will cover some of the selected services presently covered by the BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons. The selected services covered by the BE-25 survey will be removed from the BE-22 survey after the survey for 2003 is conducted. The BE-22 survey will continue to be conducted for those services that were not moved to the BE-25 survey. The proposed survey will also cover construction, engineering, architectural, and surveying services presently covered by the BE-47, Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons, and will cover the same transactions in intangible assets presently covered by the BE-93, Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons; both of these annual surveys would be discontinued, following a final data collection for 2003.

**Timetable:**

**Action** | **Date** | **FR Cite**
--- | --- | ---
NPRM | 09/23/03 | 68 FR 55204
NPRM Comment | 11/24/03 | 
Period End | 
Final Action | 12/31/03 | 68 FR 75410
Final Action Effective | 01/30/04 | 

**Regulatory Flexibility Analysis Required:** 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

Phone: 202 606–9890
Fax: 202 606–5318
Email: obie.whichard@bea.gov

**RIN:** 0691–AA54
299. • AMENDMENTS TO AGE SEARCH FEE STRUCTURE

Priority: Substantive, Nonsignificant
Legal Authority: 13 USC 3; 13 USC 8
CFR Citation: 15 CFR 50.5
Legal Deadline: None

Abstract: The Bureau of the Census (Census Bureau) amends its regulations to increase the fee for an age search from $40 to $65. This change is being made to recover the increase in cost to process due to increased operating costs. The Census Bureau also adds an additional charge of $20 per case for expedited requests requiring search results within one day. This fee for expedited requests recovers only the cost associated with this service.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>09/07/04</td>
<td>67 FR 3931</td>
</tr>
</tbody>
</table>

Government Levels Affected: None
Agency Contact: Eileen Little, Chief, Survey Processing Branch, Department of Commerce, Bureau of the Census, National Processing Center, 1201 East 10th Street, Building 64C, Jeffersonville, IN 47132
Phone: 812 218–3796
Fax: 812–218–3081
Email: eileen.s.little@census.gov
RIN: 0607–AA41

300. CUTOFF DATES FOR RECOGNITION OF BOUNDARY CHANGES FOR CENSUS 2000 AND FOR THE INTERCENSUSAL 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>09/07/04</td>
<td>67 FR 3931</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/07/04</td>
<td>67 FR 3931</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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. • ESTABLISHMENT OF THE 2010 CENSUS REDISTRICTING PROGRAM

Priority: Other Significant
Legal Authority: 13 USC 141(c)
CFR Citation: None
Legal Deadline: None

Abstract: This action announces the establishment of the 2010 Census Redistricting Data Program. Required by law, the program provides States with the opportunity to specify the small geographic areas that they wish to receive 2010 decennial census population totals for the purpose of reapportionment and redistricting.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Government Levels Affected: Federal, State
Agency Contact: Catherine C. McCully, Chief of the Census Redistricting Data Office, Department of Commerce, Bureau of the Census, Federal Building 3, Room 3631, Washington, DC 20233
Phone: 301 763–4039
RIN: 0607–AA42

302. ANNUAL TRADE SURVEY

Priority: Substantive, Nonsignificant
Legal Authority: 13 USC 182; 13 USC 224; 13 USC 225
CFR Citation: None
Legal Deadline: None

Abstract: The Bureau of the Census (Census Bureau) is proposing to expand the 2003 Annual Trade Survey (ATS) to include manufacturers’ sales branches and offices (MSBO). The Census Bureau proposes this expansion at the request of the Bureau of Economic Analysis (BEA). The BEA considers this information vital to its accurate measurement of sales and inventories for wholesale trade. These data are important inputs to BEA’s preparation of National Income and
DOC—CENSUS

Product accounts and its annual input-output tables.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/15/03</td>
<td>68 FR 53959</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/15/03</td>
<td></td>
</tr>
</tbody>
</table>

Department of Commerce (DOC)

303. ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

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

Abstract: The Economic Development Administration will be reviewing and reissuing all regulations in order to make them more user friendly and effective, and in more orderly 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Trimble, Chief, Annual Trade and Special Projects

RIN: 0607–AA40

Department of Commerce (DOC)

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

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 42 USC 300v–1(b)

CFR Citation: 15 CFR 27

Abstract: The Department of Commerce amends its regulations concerning the Protection of Human Subjects to change all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP) and revise the footnote found at the end of section 45 CFR 46.101(i) by deleting references to research involving fetuses, pregnant women, or human in vitro fertilization and to part B of 45 CFR 46.41.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Tricia Choe, Attorney Advisor, Department of Commerce, 1401 Constitution Ave., NW, Washington, DC 20230

Phone: 202 482–4265
Fax: 202 482–0512

Email: tchoe@doc.gov

RIN: 0605–AA17

Department of Commerce (DOC)

305. 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

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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>03/20/98</td>
<td>63 FR 13516</td>
</tr>
<tr>
<td>Interim Final Rule</td>
<td>03/20/98</td>
<td>63 FR 13516</td>
</tr>
<tr>
<td>Effective</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Department of Commerce (DOC)**

**International Trade Administration (ITA)**


**Priority:** Other Significant

**CFR Citation:** 15 CFR 335; 15 CFR 340

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td></td>
<td>To Be Determined</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Sergio Botero
Phone: 202 482-4058
Fax: 202 482-0667

RIN: 0625–AA58

#### 307. COMMERCIAL AVAILABILITY OF FABRIC AND YARN

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 345

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td></td>
<td>To Be Determined</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Janet Heinzen
Phone: 202 482–4006

RIN: 0625–AA59

#### 308. • STEEL IMPORT LICENSING AND SURGE MONITORING

**Priority:** Other Significant

**Legal Authority:** 10 USC 2253

**CFR Citation:** 19 CFR 360

**Legal Deadline:** None

**Abstract:** The Department of Commerce amend its regulations to enhance the steel licensing and surge monitoring 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td></td>
<td>To Be Determined</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal

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

RIN: 0625–AA64

#### 309. CHANGES IN THE INSULAR POSSESSIONS WATCH, WATCH MOVEMENT, AND JEWELRY PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 97–446

**CFR Citation:** 15 CFR 303

**Legal Deadline:** None

**Abstract:** The Department amend their regulations governing watch duty-exemptions and the watch and jewelry duty-refund benefits for producers in the United States insular possession (the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands). This amends ITA regulations, due to changes in the industry, by updating the watch assembly requirements for purposes of the duty refund. We also amend 15 CFR 303 to reflect the new designations that were created with the addition of the Department of Homeland Security.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/01/03</td>
<td>68 FR 45177</td>
</tr>
<tr>
<td>Final Action</td>
<td>10/01/03</td>
<td>68 FR 6555</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Faye Robinson,
Acting Director, Statutory Import Programs Staff, Department of Commerce, International Trade
### Department of Commerce (DOC)
#### Bureau of Industry and Security (BIS)

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

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 50 USC app 2401; 50 USC 1701; PL 106–387; EO 13222; 67 FR 53721  
**CFR Citation:** 15 CFR 740  
**Legal Deadline:** None  
**Abstract:** This notice will seek public comments on the potential impact of proposals to amend the Export Administration Regulations to clarify the scope of items for which License Exception APR is available and, possibly, to narrow the scope of this license exception. The transactions that such an amendment could affect are all described in 15 CFR 740.16(a) and (b). These paragraphs deal with transactions to, from, and among countries in Country Group A:1 and cooperating countries as defined in 15 CFR part 740, supp. no. 1.  

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

#### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

#### Regulatory Flexibility Analysis

**Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** William Arvin, Department of Commerce, Bureau of Industry and Security, FCB Suite 4100W, 14th & Constitution Avenue, NW., Washington, DC 20230  
**Phone:** 202 482–3526  
**RIN:** 0625–AA63

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

#### 311. CHEMICAL WEAPONS CONVENTION REGULATIONS

**Priority:** Other Significant. Major under 5 USC 801.  
**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:** This rule will make effective the proposed rule published July 21, 1999. The purpose of the regulation is to implement the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention) and the Chemical Weapons Convention Implementation Act of 1998, requiring private facilities to submit information on certain activities involving toxic chemicals, and to make certain private facilities subject to periodic inspection by the Organization for the Prohibition of Chemical Weapons (OPCW), the international organization created to administer the Convention and to monitor compliance by States Parties.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/21/99</td>
<td>64 FR 39193</td>
</tr>
<tr>
<td>Interim Final Rule</td>
<td>12/30/99</td>
<td>64 FR 73744</td>
</tr>
<tr>
<td>Second NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

#### Regulatory Flexibility Analysis

**Required:** Yes  
**Small Entities Affected:** Businesses, Governmental Jurisdictions  
**Government Levels Affected:** Federal  
**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
**Phone:** 202 482–2440  
**Fax:** 202 482–3355  
**Email:** wfisher@bis.doc.gov  
**RIN:** 0694–AB06

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

#### 312. 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.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/05</td>
<td></td>
</tr>
</tbody>
</table>

#### Regulatory Flexibility Analysis

**Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
**Phone:** 202 482–2440  
**Fax:** 202 482–3355  
**Email:** wfisher@bis.doc.gov  
**RIN:** 0694–AC25

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

#### 313. 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; 67 FR 53721

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

#### CFR Citation:** 15 CFR 738; 15 CFR 742

---

**Federal Register** Vol. 69, No. 123 / Monday, June 28, 2004 / Unified Agenda 37281

**DOC—ITA**

**Completed Actions**

- **Administration, FCB Suite 4100W, 14th Street & Constitution Avenue, NW., Washington, DC 20230**  
  **Phone:** 202 482–3526  
  **RIN:** 0625–AA63
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>12/20/01</td>
<td>66 FR 65666</td>
</tr>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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

Phone: 202 482-2440
Fax: 202 482-3355
Email: mblaskov@bis.doc.gov

RIN: 0694-AC48

314. • KNOWLEDGE DEFINITION, SAFE HARBOR, RED FLAGS
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
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Undetermined

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-AC94

315. • EXPORT ADMINISTRATION REGULATIONS: REMOVAL OF COUNTRY GROUPS
Priority: Substantive, Nonsignificant
Legal Authority: Not Yet Determined
Legal Deadline: None

Abstract: This action removes the country groups from supplement No. 1 to part 740 of the Export Administration Regulations (15 CFR part 740, Supp. No. 1) and replaces references to the country groups with references to the country chart found at Supplement No. 1 to part 738 of the Export Administration Regulations (15 CFR part 738, Supp. No. 1).

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/05</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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

Phone: 202 482-2440
Fax: 202 482-3355
Email: scook@bis.doc.gov

RIN: 0694-AD09
317. MANDATORY ELECTRONIC FILING OF LICENSE APPLICATIONS, CLASSIFICATION REQUESTS, AND LICENSE EXCEPTIONS NOTIFICATIONS VIA BIS'S SIMPLIFIED NETWORK APPLICATION PROCESS (SNAP)

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222; 66 FR 56965; 67 FR 53721; EO 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; EO 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; . . .

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

Legal Deadline: None

Abstract: This rule would change the Export Administration Regulations as needed to implement a revised version of the Bureau of Industry and Security’s Simplified Network Application Processing (SNAP) system. This rule also would make use of that system mandatory for all filings of Export License applications (except Special Comprehensive Licenses and deemed export licenses), Reexport Authorization requests, Classification requests, Encryption Review requests, and License Exception AGR notifications unless the Bureau of Industry and Security authorizes paper filing for a particular user or transaction. This rule also would authorize SNAP filing for special reports of certain items controlled under the Wassenaar Arrangement. This rule also would eliminate all provisions of the regulations associated with earlier versions of SNAP and other electronic filing systems that the Bureau of Industry and Security has used in the past, as use of those systems would be terminated upon introduction of the new version of SNAP (SNAP 2002). Those eliminated provisions include the requirements regarding personal identification numbers (PINs) and the requirement for users to keep logs of items filed electronically. This rule also would require that requests for advisory opinions include the Export Control Classification Number of the item(s) at issue, revise emergency license application procedures, set the value of all aircraft licensed for temporary sojourn abroad to zero and correct some omissions, misstatements and typographical errors.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/12/03</td>
<td>68 FR 64009</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/12/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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 Phone: 202 482–2440 Fax: 202 482–3355 Email: warvin@bis.doc.gov

RIN: 0694–AC20

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230 Phone: 202 482–2440 Fax: 202 482–3355 Email: wfisher@bis.doc.gov

RIN: 0694–AC68

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

Priority: Substantive, Nonsignificant

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

Email: wfisher@bis.doc.gov

RIN: 0694–AC33
### 321. REVISIONS OF ENERGETIC MATERIAL EXPORT LICENSING JURISDICTION BASED ON REVIEW OF THE UNITED STATES MUNITIONS LIST

**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 742; 15 CFR 770; 15 CFR 748  
**Legal Deadline:** None  
**Abstract:** This rule amends the Export Administration Regulations (EAR) to implement decisions to move export licensing jurisdiction of certain types of energetic materials and other chemicals from the Department of State, Office of Defense Trade Controls (DTC) to the Department of Commerce, Bureau of Industry and Security (BIS) and to move such jurisdiction for other chemicals from BIS to DTC. This rule aligns with a complementary rule published by the Department of State on November 27, 2002, implements decisions reached in an ongoing review of the USML that is part of the Defense Trade Security Initiative. That initiative, announced on May 24, 2000, at a NATO ministerial meeting by the Secretary of State, includes annual review of portions of the USML with the objective of reviewing the entire list every four years.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Rule</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

#### 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–AC74

### 322. 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  
**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.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Rule</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

#### Regulatory Flexibility Analysis
**Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Sheila Quateman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, NW., HCHB Room 2096, Washington, DC 20230  
Phone: 202 482–5347  
Email: squarter@bis.doc.gov  
**RIN:** 0694–AC84

### 323. CLARIFICATION OF EXPORT CONTROLS ON PARTS FOR MILITARY VEHICLES

**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 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 770; 15 CFR 774  
**Supp No. 1**

#### Legal Deadline
**None**

**Abstract:** This rule amends Export Control Classification Number (ECCN) 9A018 to make clear that it includes components for certain vehicles covered by that ECCN, to update that ECCN to cover a class of vehicles recently added to the International Munitions List and also to make clear that it does not include vehicles and components that are subject to the export licensing jurisdiction of the Department of State, Office of Defense Trade Controls. This rule also amends the interpretation in section 770(h) to provide guidance based on the International Munitions List for distinguishing military vehicles from other vehicles and to assist in distinguishing military vehicles subject to the export licensing jurisdiction of...
the Department of State, Office of Defense Trade Controls from those subject to the export licensing jurisdiction of the Department of Commerce, Bureau of Industry and Security. The International Munitions List is published by the Wassenaar Arrangement.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Rule</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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

**Related RIN:** Split from 0694–AC64

**RIN:** 0694–AC91

### 324. * 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Ave. N.W., Room 2705, Washington, DC 20230

- Phone: 202 482–3355
- Email: jlyynch@bis.doc.gov

**RIN:** 0694–AC93

### 325. * 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.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Rule</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, NW., HCHB Room 2096, Washington, DC 20230

- Phone: 202 482–5347
- Email: squarter@bis.doc.gov

**RIN:** 0694–AC98

### 326. * MICROPROCESSOR TECHNOLOGY ELIGIBLE FOR EXPORT OR REEXPORT UNDER LICENSE EXCEPTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 10 USC 7429; 10 USC 7430(e); 18 USC 2510; ... 

**CFR Citation:** 15 CFR 774

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is expanding the availability of license exceptions for exports and reexports of microprocessor technology on the Commerce Control List (CCL) of the Export Administration Regulations (EAR) under Export Classification Control Number (ECCN) 3E002. This ECCN controls technology that can be used for the development and production of microprocessors.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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
- Phone: 202 482–2440
- Fax: 202 482–3355
- Email: warvin@bis.doc.gov

**Related RIN:** Split from 0694–AC64

**RIN:** 0694–AC91

**Additional Information:** On October 24, 2003, BIS published a proposed rule
with request for comments (68 FR 60891), proposing the revisions that are reflected in this final rule. It requested information from industry to assist BIS in evaluating microprocessor technology controlled under ECCN 3E002, as well as computer technology and software controls. BIS received eleven comments in response to the request.

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

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

Related RIN: Split from 0694–AC95
RIN: 0694–AD02

327. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/24/03</td>
<td>68 FR 60891</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

Related RIN: Split from 0694–AC95
RIN: 0694–AD04

328. • REVISION OF LICENSEE’S RESPONSIBILITY TO COMMUNICATE LICENSE CONDITIONS

Priority: Substantive, Nonsignificant
Major status under 5 USC 801 is undetermined.
Legal Authority: 50 USC app. 2401; 50 USC 1701; EO 13026; EO 13222
CFR Citation: 15 CFR 750
Legal Deadline: None

Abstract: This rule amends the regulation regarding the requirement for 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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., Room 2705, Washington, DC 20230
Phone: 202 482–3451
Fax: 202 482–3355
Email: scook@bis.doc.gov

Related RIN: Split from 0694–AC95
RIN: 0694–AD05

329. • ADDITION OF SYSTEMS, INCLUDING CAMERAS, INCORPORATING NON–SPACE QUALIFIED INFRARED AMORPHOUS SILICON FOCAL PLANE ARRAYS, AND RELATED TECHNOLOGY AND SOFTWARE, TO THE COMMERCE CONTROL LIST

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 amends the EAR to add provisions for a new “National Security” (NS) and “Anti-Terrorism” (AT) controls on the export and reexport of (1) systems, including cameras, incorporating non-space qualified amorphous silicon focal plane arrays, (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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Ave. N.W., Room 2705, Washington, DC 20230
Phone: 202 482–3451
Fax: 202 482–3355
Email: jlynch@bis.doc.gov

Related RIN: Split from 0694–AC95
RIN: 0694–AD05

329. • ADDITION OF SYSTEMS, INCLUDING CAMERAS, INCORPORATING NON–SPACE QUALIFIED INFRARED AMORPHOUS SILICON FOCAL PLANE ARRAYS, AND RELATED TECHNOLOGY AND SOFTWARE, TO THE COMMERCE CONTROL LIST

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 amends the EAR to add provisions for a new “National Security” (NS) and “Anti-Terrorism” (AT) controls on the export and reexport of (1) systems, including cameras, incorporating non-space qualified amorphous silicon focal plane arrays, (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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Ave. N.W., Room 2705, Washington, DC 20230
Phone: 202 482–3451
Fax: 202 482–3355
Email: jlynch@bis.doc.gov

Related RIN: Split from 0694–AC95
RIN: 0694–AD05

329. • ADDITION OF SYSTEMS, INCLUDING CAMERAS, INCORPORATING NON–SPACE QUALIFIED INFRARED AMORPHOUS SILICON FOCAL PLANE ARRAYS, AND RELATED TECHNOLOGY AND SOFTWARE, TO THE COMMERCE CONTROL LIST

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 amends the EAR to add provisions for a new “National Security” (NS) and “Anti-Terrorism” (AT) controls on the export and reexport of (1) systems, including cameras, incorporating non-space qualified amorphous silicon focal plane arrays, (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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Ave. N.W., Room 2705, Washington, DC 20230
Phone: 202 482–3451
Fax: 202 482–3355
Email: jlynch@bis.doc.gov

Related RIN: Split from 0694–AC95
RIN: 0694–AD05
330. • 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) to a point vehicle 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Ave. N.W., Room 2705, Washington, DC 20230
Phone: 202 482–3451
Fax: 202 482 3355
Email: jlynch@bis.doc.gov

RIN: 0694–AD06

---

332. • IMPLEMENTATION OF THE WASSENAAR ARRANGEMENT STATEMENT OF UNDERSTANDING ON THE CONTROL OF NON-LISTED DUAL-USE ITEMS

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 13026; EO 13222

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

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) to a point for the implementation of this Wassenaar statement of understanding in this rule.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

RIN: 0694–AD10

---

333. • 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 amends the Export Administration Regulations (EAR) to a point for the implementation of this Wassenaar statement of understanding in this rule.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: None

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
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

RIN: 0694–AD10
### 334. • 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 13026; EO 13099; EO 13222; EO 13224

**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

Required: 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

Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

**RIN:** 0694–AD13

### 335. • 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 12947; EO 13026; EO 13099; EO 13222; EO 13224

**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 to include all destinations, worldwide, including the countries identified in Country Group A:3 (i.e., the AG-participating countries).

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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 & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482–2440
Fax: 202 482 3355
Email: wfisher@bis.doc.gov

**RIN:** 0694–AD15

### 336. • 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 final 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 final 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>06/04/04</td>
<td></td>
</tr>
</tbody>
</table>

**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 & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482–2440
Fax: 202 482 3355
Email: wfisher@bis.doc.gov

**RIN:** 0694–AD15
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) 2B3351 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.”

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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 & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482–2440
Fax: 202 482 3355
Email: wfisher@bis.doc.gov

RIN: 0694–AD16

338. • REVISION OF EXPORT AND REEXPORT RESTRICTIONS ON CUBA

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 22 USC 287c; 22 USC 6004; PL 106–387; PL 107–56; EO 12854; EO 12918; EO 13222

CFR Citation: 15 CFR 740; 15 CFR 746

Legal Deadline: None

Abstract: This rule narrows the scope of items the may be included in gift parcels exported to Cuba under License Exception Gift and Humanitarian Donations (GFT). Prior to publication of this rule only commodities listed on the CCL with a reason for control based on one or more multilateral export control regimes (i.e., the Wassenaar Arrangement (reason for control: National Security - NS); the Nuclear Suppliers’ Group (reason for control: Nuclear Nonproliferation - NP); the Australia Group (reasons for control: Chemical and Biological Weapons - CB); and the Missile Technology Control Regime (reason for control: Missile Technology - MT) were ineligible for gift parcels to Cuba. This rule makes all items listed in any specific entry on the CCL ineligible.

This rule also narrows the list of eligible commodities that can be included in gift parcels from 14 categories to five. The eligible categories are: food; vitamins; medical supplies and devices; receive-only radio equipment for reception of commercial/civil AM/FM and short wave publicly available frequency bands; and batteries for such equipment. This rule makes seeds, vitamins, hospital supplies and equipment, equipment for the handicapped, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment ineligible for gift parcels to Cuba. The rule lowers the allowed value of the non-food items in each parcel from $200 to $100, and limits the delivery of such parcels to once per month per household, instead of once per month per individual recipient. Parcels are now prohibited to any household that includes a senior-level Cuban government official or senior-level communist party official.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue NW., HCHB Room 2096, Washington, DC 20230

Phone: 202 482–5347
Email: sqquarterman@bis.doc.gov

RIN: 0694–AD17

339. • 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 final 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 final 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/24/03</td>
<td>68 FR 60891</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

Related RIN: Related to 0694–AC95
RIN: 0694–AD18

340. • ENCRYPTION EXPORT AND REEXPORT CONTROLS REVISIONS

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 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 Numbers (ECCN) 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.”

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: None

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
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

Related RIN: Related to 0694–AC95
RIN: 0694–AD18
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 the criteria by which licensing requirements for exports and reexports of eligible encryption items, by implementing a 30-day limit on most encryption reviews and by clarifying 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 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulatory Flexibility Analysis Required:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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–AD19

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

341. CLARIFICATION OF LICENSE EXCEPTION GFT (HUMANITARIAN DONATIONS)
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 740
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulatory Flexibility Analysis Required:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Agency Contact: Hillary Hess
Phone: 202 482–2440
Fax: 202 482–3355
Email: hhess@bis.doc.gov
RIN: 0694–AB49

342. EXPORT ADMINISTRATION REGULATIONS: SUPPORT DOCUMENTATION
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 748
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulatory Flexibility Analysis Required:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Agency Contact: Sharron Cook
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov
RIN: 0694–AC04

343. EXPANSION OF LICENSE EXCEPTION GOV; EXPORTS AND REEXPORTS TO INTERNATIONAL ORGANIZATIONS
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 730 to 774
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulatory Flexibility Analysis Required:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Agency Contact: Sharron Cook
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov
RIN: 0694–AC17

344. DE MINIMIS EXPANSION OF ELIGIBILITY: U.S.–ORIGIN SOFTWARE INCORPORATED INTO FOREIGN–MADE RETAIL COMMODITIES
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 730 to 774
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulatory Flexibility Analysis Required:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Agency Contact: Sharron Cook
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov
RIN: 0694–AC15

345. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 748 to 750
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulatory Flexibility Analysis Required:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Agency Contact: Sharron Cook
Phone: 202 482–5347
Email: squarter@bis.doc.gov
RIN: 0694–AC19
Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Sharron Cook
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov
RIN: 0694–AC23

346. CLARIFICATIONS TO PART 753: SPECIAL COMPREHENSIVE LICENSE REQUIREMENTS
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 700 to 799
Timetable:
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Willard Fisher
Phone: 202 482–2440
Fax: 202 482–3355
Email: wfisher@bis.doc.gov
RIN: 0694–AC34

347. CHEMICAL WEAPONS CONVENTION: REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 700 to 799
Timetable:
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Willard Fisher
Phone: 202 482–2440
Fax: 202 482–3355
Email: wfisher@bis.doc.gov
RIN: 0694–AC46

348. 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
CFR Citation: 15 CFR 740
Timetable:
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Willard Fisher
Phone: 202 482–2440
Fax: 202 482–3355
Email: wfisher@bis.doc.gov
RIN: 0694–AC35

350. REVISIONS TO LICENSE EXCEPTION TSR: EXPANSION TO SCOPE OF ELIGIBLE COUNTRIES
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 774
Timetable:
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Rule</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Matthew Blaskovich
Phone: 202 482–2440
Fax: 202 482–3355
Email: mblaskov@bis.doc.gov
RIN: 0694–AC71

351. 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:
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Sheila Quarterman
Phone: 202 482–5347
Email: squarter@bis.doc.gov
Related RIN: Related to 0694–AB41
RIN: 0694–AC82

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

352. ADMINISTRATION OF STATE LOG EXPORTS BAN
Priority: Other Significant. Major under 5 USC 801.
Legal Authority: 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 12924; Notice of August 3, 2000 (65 FR 48347, August 8, 2000); 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1710 et seq
CFR Citation: 15 CFR 754
Abstract: The rule will provide the Department of Commerce's regulations implementing the ban on the export of unprocessed timber originating from non-Federal public lands in 17 western States, pursuant to the Forest Resource
Conservation and Shortage Relief Act of 1990, as amended (FRCSRA). This rule defines the actions the Department will take to implement the State log export ban.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>06/07/95</td>
<td>60 FR 30030</td>
</tr>
<tr>
<td>ANPRM Comment</td>
<td>07/07/95</td>
<td></td>
</tr>
<tr>
<td>Withdrawn</td>
<td>05/05/04</td>
<td></td>
</tr>
</tbody>
</table>

### Regulatory Flexibility Analysis

**Required:** Yes  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** Local, State

**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
**Phone:** 202 482–2440  
**Fax:** 202 482–3355  
**Email:** wfisher@bis.doc.gov

### 354. CRIME CONTROL ITEMS: REVISIONS TO THE COMMERCE CONTROL LIST

**Priority:** Other Significant. Major under 5 USC 801.  
**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 799  
**Legal Deadline:** None  
**Abstract:** This rule amends the Export Administration Regulations by expanding controls on restraint devices, such as handcuffs, and on discharge type arms, such as stun guns or shock batons. In addition, this rule modifies the license review policy to include consideration of whether there is civil disorder in the country or region or whether there is evidence that the government of the importing country may have violated internationally recognized human rights.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>09/13/00</td>
<td>65 FR 55177</td>
</tr>
</tbody>
</table>

### 355. ELIMINATION OF “NATIONAL SECURITY” AS A REASON FOR CONTROL FOR CERTAIN ITEMS ON THE COMMERCE CONTROL LIST

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 50 USC 2401; 50 USC 1701; 18 USC 2510; EO 13222; EO 12058; ...  
**CFR Citation:** 15 CFR 742; 15 CFR 774  
**Legal Deadline:** None  
**Abstract:** This rule amends the Commerce Control List (CCL) to eliminate “National Security” as a reason for control with respect to certain items. This rule is needed to make the CCL conform to Section 5(c)(6)(A) of the Export Administration Act (the Act), which provides that unilateral national security controls expire six months after enactment of the Act or of the control (whichever is later) unless a determination has been made under section 5 of the Act that there is no foreign availability of the items or unless the President is pursuing negotiations to end such availability. All but four of the items affected by this rule are moved to other Export Control Classification Numbers (ECCNs) on the CCL. Two of the items that are removed from the CCL (bayonets and technology for the design, production or use of bayonets) are transferred to the United States Munitions List. The other two items (muzzle-loading firearms and technology for the design, production or use of muzzle-loading firearms) are now EAR99.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action Effective</td>
<td>03/30/04</td>
<td>69 FR 17926</td>
</tr>
</tbody>
</table>

### Regulatory Flexibility Analysis

**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None

**Agency Contact:** Sheila Quartermann, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, N.W., HCHB Room 2096, Washington, DC 20230  
**Phone:** 202 482–5347  
**Email:** squarter@bis.doc.gov

### 355. ELIMINATION OF “NATIONAL SECURITY” AS A REASON FOR CONTROL FOR CERTAIN ITEMS ON THE COMMERCE CONTROL LIST

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 50 USC 2401; 50 USC 1701; 18 USC 2510; EO 13222; EO 12058; ...  
**CFR Citation:** 15 CFR 742; 15 CFR 774  
**Legal Deadline:** None  
**Abstract:** This rule amends the Commerce Control List (CCL) to eliminate “National Security” as a reason for control with respect to certain items. This rule is needed to make the CCL conform to Section 5(c)(6)(A) of the Export Administration Act (the Act), which provides that unilateral national security controls expire six months after enactment of the Act or of the control (whichever is later) unless a determination has been made under section 5 of the Act that there is no foreign availability of the items or unless the President is pursuing negotiations to end such availability. All but four of the items affected by this rule are moved to other Export Control Classification Numbers (ECCNs) on the CCL. Two of the items that are removed from the CCL (bayonets and technology for the design, production or use of bayonets) are transferred to the United States Munitions List. The other two items (muzzle-loading firearms and technology for the design, production or use of muzzle-loading firearms) are now EAR99.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action Effective</td>
<td>03/30/04</td>
<td>69 FR 17926</td>
</tr>
</tbody>
</table>

### 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, N.W., Washington, DC 20230  
**Phone:** 202 482–2440  
**Fax:** 202 482–3355  
**Email:** warvin@bis.doc.gov

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action Effective</td>
<td>04/06/04</td>
<td>69 FR 17926</td>
</tr>
</tbody>
</table>
356. COMPUTER TECHNOLOGY AND SOFTWARE ELIGIBLE FOR EXPORT OR REEXPORT UNDER LICENSE EXCEPTION TSR

**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 774

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is reviewing the current limit for use of License Exception TSR for exports and reexports of technology and software on the Commerce Control List (CCL) of the Export Administration Regulations (EAR) under Export Classification Control Numbers (ECCNs) 4D001 and 4E001. These ECCNs control technology and software that can be used for the development, production, or use of computers. The goal of this notice is to collect information from industry that will assist BIS in evaluating whether the current TSR eligibility level of 33,000 Millions of Theoretical Operations per Second (MTOPS) for exports and reexports to most countries should be adjusted, taking into consideration the control level for the export of computer equipment and the control policies of other member countries of the Wassenaar Arrangement.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>06/10/02</td>
<td>67 FR 39675</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>05/10/04</td>
<td></td>
</tr>
</tbody>
</table>

**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 Phone: 202 482–2440 Fax: 202 482–3355 Email: scook@bis.doc.gov

**Related RIN:** Related to 0694–AD04, Related to 0694–AD18

**RIN:** 0694–AC63

357. PROTECTIVE EQUIPMENT EXPORT LICENSE JURISDICTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq

**CFR Citation:** 15 CFR 774

**Legal Deadline:** None

**Abstract:** Export Control Classification Number (ECCN) 1A004 in the Commerce Control List (CCL) provides that protection and detection equipment and components not specially designed for military use are subject to the licensing authority of the Department of State, Office of Defense Trade Controls (DTC). The Bureau of Industry and Security (BIS) has received information suggesting that the existing rule commits to DTC authority a number of items that have primarily civil end uses. This rule draws a distinction between items subject to DTC control and items subject to the Export Administration Regulations (EAR) by modifying ECCN 1A004 and creating a new ECCN 1A995.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>05/06/04</td>
<td>69 FR 25312</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>05/06/04</td>
<td></td>
</tr>
</tbody>
</table>

**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 Phone: 202 482–2440 Fax: 202 482–3355 Email: mblaskov@bis.doc.gov

**RIN:** 0694–AC76

358. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON THE 2002 MISSILE TECHNOLOGY CONTROL REGIME PLENIARY AGREEMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; 18 USC 2510; 10 USC 7420; …

**CFR Citation:** 15 CFR 740; 15 CFR 738

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security is amending the Export Administration Regulations to add several names to the Country Chart to more accurately reflect the current export control policy for those destinations. Among the names being added are the Democratic Republic of East Timor, Aruba and the Netherlands Antilles. In addition, the name Zaire is being changed to Democratic Republic of the Congo and the name Congo is being changed to Republic of the Congo to accurately reflect the current names of these two countries.
This rule makes the necessary changes to the Commerce Control List to implement revisions to the Wassenaar List that were agreed upon in the December 2002 meeting and to make necessary revisions to reporting requirements, and License Exception GOV restrictions.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>04/20/04</td>
<td>69 FR 21055</td>
</tr>
</tbody>
</table>

### 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

**Phone:** 202 482–2440

**Fax:** 202 482–3355

**Email:** mblaskov@bis.doc.gov

**RIN:** 0694–AC77

---

360. DECEMBER 2002 WASSENAAR ARRANGEMENT PLENARY AGREEMENT IMPLEMENTATION: REVISIONS TO CATEGORIES 1, 2, 3, 4, 5, 6, AND 7 OF THE COMMERCE CONTROL LIST, AND REPORTING REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; 42 USC 2139a; 50 USC 2401 et seq; 50 USC app 2401 et seq; 10 USC 7420; 10 USC 7430; 18 USC 2510 et seq; 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185; 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 740; 15 CFR 743; 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, and 6 of the CCL to bring them consistent with the Wassenaar Arrangement on Export Control (Wassenaar Arrangement). The Wassenaar Arrangement controls strategic items with the objective of improving regional and international security and stability.

This rule makes the necessary changes to the Commerce Control List to implement revisions to the Wassenaar List that were agreed upon in the December 2002 meeting and to make necessary revisions to reporting requirements, and License Exception GOV restrictions.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>01/03/02</td>
<td>67 FR 458</td>
</tr>
</tbody>
</table>

### 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

**Phone:** 202 482–2440

**Fax:** 202 482–3355

**Email:** mblaskov@bis.doc.gov

**RIN:** 0694–AC86

---

361. LIFTING OF UN SANCTIONS AGAINST UNITA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC app 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); 10 USC 2510; 22 USC 287c; 22 USC 3201; 22 USC 6004; 30 USC 185(s), 185(u); 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 740; 15 CFR 746

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) by removing from the EAR references to sanctions on Angola administered by the Department of the Treasury's Office of Foreign Assets Control (OFAC). In response to United Nations Security Council (UNSC) resolutions regarding the conflict in Angola, the President, by Executive order, directed the Department of the Treasury to maintain sanctions on the National Union for the Total Independence of Angola (UNITA). On December 9, 2002, the UNSC terminated the sanctions imposed on UNITA. On May 6, 2003, consistent with the UNSC action, the President terminated the relevant Executive orders, effectively ending U.S. sanctions. This rule amends the EAR to remove certain references to the sanctions which had been maintained by OFAC with respect to UNITA.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Rule</td>
<td>01/22/04</td>
<td>69 FR 3004</td>
</tr>
</tbody>
</table>

**Government Levels Affected:** None

**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, NW., HCHB Room 2096, Washington, DC 20230

**Phone:** 202 482–5347

**Email:** scook@bis.doc.gov

**RIN:** 0694–AC87

---

362. AMENDMENT TO THE EXPORT ADMINISTRATION REGULATIONS: REVISION TO EXPORT CONTROL CLASSIFICATION NUMBER 1C355

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430; 18 USC 2510 et seq; 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185; 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 amends the “List of Items Controlled” Section of Export Control Classification Number 1C355 (Supp. No. 1 to part 744) to conform with the schedule of precursor chemicals in Supp. No. 1 to part 745.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Rule</td>
<td>05/04/04</td>
<td>69 FR 24507</td>
</tr>
</tbody>
</table>

**Government Levels Affected:** None

**Agency Contact:** Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, NW., HCHB Room 2096, Washington, DC 20230

**Phone:** 202 482–5347

**Email:** sqquare@bis.doc.gov

**RIN:** 0694–AC86
363. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS — CHEMICAL AND BIOLOGICAL WEAPONS CONTROLS: AUSTRALIA GROUP; CHEMICAL WEAPONS CONVENTION; CORRECTION

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app. 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; 42 USC 2139a; PL 106–387; PL 107–56; EO 12058; EO 12935; EO 13026; EO 13222

CFR Citation: 15 CFR 742; 15 CFR 774 Supp. No. 1

Legal Deadline: None

Abstract: This rule corrects errors in the List of Items Controlled Sections of Export Control Classification Numbers 2E001 and 2E002 on the Commerce Control List and an error in the licensing policy provisions that apply to items on the Australia Group (AG) lists. The errors appeared in a rule published on June 10, 2003 (68 FR 34526) to implement the understandings reached at the June 2002 plenary meeting of the AG.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>12/01/03</td>
<td>68 FR 67030</td>
</tr>
<tr>
<td>Interim Final Rule</td>
<td>12/01/03</td>
<td>68 FR 67030</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 482–2440
Fax: 202 482 3355
Email: wfisher@bis.doc.gov

Related RIN: Related to 0694–AC62

RIN: 0694–AC88

364. BEST PRACTICES FOR EXPORTERS/RE–EXPORTERS AND TRADE FACILITATION/FREIGHT FORWARDING COMPANIES REGARDING THE TRANSIT, TRANSSHIPMENT, AND REEXPORT OF DUAL–USE ITEMS

Priority: Substantive, Nonsignificant

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

CFR Citation: None

Legal Deadline: None

Abstract: The Bureau of Industry and Security plans to publish guidance entitled, “Best Practices for Exporters/Re-exporters and Trade Facilitation/Freight Forwarding Companies Regarding the Transit, Transshipment, and Reexport of Dual-Use Items.” These “best practices” will appear as Supplement No. 4 to part 732 of the Export Administration Regulations. Although the best practices will be published in title 15 of the Code of Federal Regulations, they will be guidance with which the public has no legal obligation to comply, and compliance with them will not be a defense against a charge (either administrative or criminal) of violating export control laws.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withheld</td>
<td>05/05/04</td>
<td></td>
</tr>
</tbody>
</table>

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 & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 482–2440
Fax: 202 482 3355
Email: warvin@bis.doc.gov

RIN: 0694–AC90

365. ADDITION OF KAZAKHSTAN TO THE NUCLEAR SUPPLIERS GROUP (NSG), AND OTHER REVISIONS

Priority: Routine and Frequent. Major status under 5 USC 801 is undetermined.

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

CFR Citation: 15 CFR 738; 15 CFR 740; 15 CFR 772

Legal Deadline: None

Abstract: As a result of the admission of Kazakhstan to the Nuclear Suppliers Group (NSG), this rule amends the Export Administration Regulations (EAR) to add Kazakhstan to Country Group A, Column A:4, which identifies the member countries of the NSG, and to the definition of “Nuclear Suppliers Group.” The NSG member countries have agreed to establish export licensing procedures for the transfer of items identified on the Annex to the “Nuclear-Related Dual-Use Equipment, Materials, and Related Technology List,” which is published by the International Atomic Energy Agency.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>10/22/03</td>
<td>68 FR 60288</td>
</tr>
</tbody>
</table>

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
Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

RIN: 0694–AC89

366. EXPORT ADMINISTRATION REGULATIONS: PENALTY GUIDANCE IN THE SETTLEMENT OF ADMINISTRATIVE ENFORCEMENT CASES

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 764; 15 CFR 766

Legal Deadline: None

Abstract: This rule incorporates guidance in the EAR — specifically, in a new Supplement No. 1 to part 766 — on how the Bureau of Industry and Security (BIS) determines what penalty is appropriate for the settlement of an administrative enforcement case. This guidance identifies both general factors, such as the destination for the export and degree of willfulness involved in violations, and specific mitigating and aggravating factors which BIS typically takes into account in determining an appropriate penalty. The guidance also
387. • COMPUTER AND MICROPROCESSOR TECHNOLOGY AND SOFTWARE ELIGIBLE FOR EXPORT OR REEXPORT UNDER LICENSE EXCEPTION

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 740; 15 CFR 774

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) proposes to expand the availability of license exceptions for exports and reexports of computer and microprocessor technology and software on the Commerce Control List (CCL) of the Export Administration Regulations (EAR) under Export Classification Control Numbers (ECCNs) 3E002, 4D001 and 4E001. These ECCNs control technology and software that can be used for the development, production, or use of microprocessors and computers. The goal of this proposed rule is to solicit public comments to assist BIS in evaluating the effect of the proposed amendments. In addition, this proposed rule requests industry to suggest alternatives for a different method or parameter for controlling exports of computers and microprocessors, and the technology and software therefore.

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, 14th & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482–2440
Fax: 202 482–3355
Email: scook@bis.doc.gov

RIN: 0694–AC95

386. • IMPLEMENTATION OF AUSTRALIA GROUP 2003 DECISIONS ON ANIMAL PATHOGENS

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(f); 30 USC 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 745; 15 CFR 774

Legal Deadline: None

Abstract: This rule implements the understandings reached at the June 2003 plenary meeting of the Australia Group (AG) by adding twelve new viruses and two new bacteria to the list of AG-controlled human and zoonotic pathogens and toxins described on the Commerce Control List (CCL). It also implements an AG intersessional decision by adding two new viruses to the list of AG-controlled animal pathogens described on the CCL. Finally, it adds Afghanistan, Cape Verde, Kyrgyzstan, Sao Tome and Principe, Timor Leste and Tonga to the list of countries that are States Parties to the Chemical Weapons Convention

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 & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482–2440
Fax: 202 482–3355
Email: wfisher@bis.doc.gov

RIN: 0694–AC96

386. • CHEMICAL WEAPONS CONVENTION REGULATIONS: ELECTRONIC SUBMISSION OF DECLARATIONS AND REPORTS UNDER THE WEB DATA ENTRY SYSTEM FOR INDUSTRY (WEB–DESI)

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 6701 et seq;

EO 13128

RIN: 0694–AC96
CFR Citation: 15 CFR 711

Legal Deadline: None

Abstract: This interim final rule amends 15 CFR part 711 by adding a new section 711.7, which authorizes the electronic submission of declarations and reports required under the Chemical Weapons Convention Regulations (CWC) to the Bureau of Industry and Security (BIS). All such electronic submissions will be made through the newly created Web-Data Entry System for Industry (Web-DESI), which will be located on the Chemical Weapons Convention (CWC) Web site, at www.cwc.gov. New section 711.7 describes the procedures that must be followed to request approval from BIS to submit declarations and reports electronically, including procedures for the assignment and use of identification numbers for declared facilities, plant sites, and trading companies. Finally, new section 711.7 describes how BIS will provide general instructions to authorized users on how to make electronic submissions to BIS using Web-DESI.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>01/16/04</td>
<td>69 FR 2501</td>
</tr>
</tbody>
</table>

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 & Pennsylvania Avenue NW., Washington, DC 20230. Phone: 202 482–2440. Fax: 202 482–3355. Email: wfisher@bis.doc.gov

Related RIN: Split from 0694–AB06

RIN: 0694–AC97

370. • GENERAL ORDER IMPLEMENTING SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY ACT OF 2003

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 2151; EO 12938; EO 13020; EO 13026; EO 13222; EO 13338

CFR Citation: 15 CFR 736

Legal Deadline: None

Abstract: The Bureau of Industry and Security is amending the Export Administration Regulations by adding new General Order No. 2 to Supplement No. 1, part 736. General Order No. 2 implements section 5(a)(1) of the Syria Accountability and Lebanese Sovereignty Act of 2003, which requires the President to prohibit the export of certain items to Syria.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>05/14/04</td>
<td>69 FR 26766</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>05/14/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, N.W., HCHB Room 2096, Washington, DC 20230. Phone: 202 482–5347. Email: sqquarter@bis.doc.gov

RIN: 0694–AC99

371. • DECEMBER 2003 WASSENAAR ARRANGEMENT PLENARY AGREEMENT IMPLEMENTATION: CATEGORIES 1, 2, 3, 4, 5, 6, AND 7 OF THE COMMERCE CONTROL LIST, AND REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 7420; 10 USC 7430(e); 18 USC 2510; 22 USC 3201; …

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: This rule revises certain entries controlled for national security reasons in Categories 1, 2, 3, 4, 5 Part I (telecommunications), 5 Part II (information security), 6, and 7 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 controls 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 to implement revisions to the Wassenaar List that were agreed upon in the December 2003 meeting.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>04/29/04</td>
<td>69 FR 23598</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Small Entities Affected: None

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. Phone: 202 482–2440. Fax: 202 482–3355. Email: scook@bis.doc.gov

RIN: 0694–AD00

372. • REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON THE 2003 MISSILE TECHNOLOGY CONTROL REGIME PLENARY AGREEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 7420; 10 USC 7430(e); 18 USC 2510; 22 USC 3201; …

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulation Commerce Control List (CCL) to reflect changes to the Missile Technology Control Regime (MTCR) Annex agreed to at the September 2003 Plenary in Buenos Aires, Argentina. All revisions and
additions were made to insure that items which are useable in missiles of MCTR concern are appropriately controlled.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>05/04/04</td>
<td>69 FR 24508</td>
</tr>
</tbody>
</table>

**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

Phone: 202 482–2440
Fax: 202 482–3355
Email: mblaskov@bis.doc.gov

**RIN:** 0694–AD01

**373. • LICENSING JURISDICTION FOR QRS11 MICROMACHINED ANGULAR RATE SENSORS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 50 USC app 2401; 50 USC 1701; EO 13020; EO 13026; EO 13222  
**CFR Citation:** 15 CFR 734; 15 CFR 740; 15 CFR 774  
**Legal Deadline:** None

**Abstract:** This final rule amends the Export Administration Regulations (EAR) to transfer, coincident with the State Department's written commodity jurisdiction determination of February 9, 2004, licensing jurisdiction for QRS11-00100-100/101 Micromachined Angular Rate Sensors from the Department of State to the Department of Commerce when those sensors are integrated into an instrument system (CSIS) of the type described in ECCN 7A994 or aircraft of the type described in ECCN 9A991 that incorporates a CSIS that has such a sensor integrated, or are exported solely for integration into such a system. This rule also excludes systems or aircraft integrating QRS11-00100-100/101 sensors from eligibility for the de minimis provisions of the EAR, and excludes the sensors from license exception eligibility.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>02/09/04</td>
<td>69 FR 5928</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>02/09/04</td>
<td></td>
</tr>
</tbody>
</table>

**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

Phone: 202 482–2440
Fax: 202 482–3355
Email: hhess@bis.doc.gov

**RIN:** 0694–AD03

**374. • REVISION OF EXPORT AND REEXPORT RESTRICTIONS ON LIBYA**

**Priority:** Other Significant. Major under 5 USC 801  
**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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Rule</td>
<td>04/29/04</td>
<td>69 FR 23626</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, NW., HCHB Room 2096, Washington, DC 20230

Phone: 202 482–5347
Email: squarter@bis.doc.gov

**RIN:** 0694–AD14

---

**Department of Commerce (DOC)**

**National Institute of Standards and Technology (NIST)**

**375. PROCEDURES FOR IMPLEMENTATION OF THE NATIONAL CONSTRUCTION SAFETY TEAM ACT**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 15 USC 7301 et seq  
**CFR Citation:** 15 CFR 270  
**Legal Deadline:** None

**Abstract:** The Director of the National Institute of Standards and Technology (NIST), Technology Administration (TA), U.S. Department of Commerce (DOC), issues regulations pertaining to the implementation of the National Construction Safety Team Act (Act). The rule establishes procedures regarding the establishment and deployment of National Construction Safety Teams and for the conduct of investigations under the Act.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>11/28/03</td>
<td>66 FR 66703</td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. James E. Hill, Acting Director, Department of Commerce, National Institute of Standards and Technology, Mail Stop 8600, Building and Fire Research Laboratory, Gaithersburg, MD 20899–8600

Phone: 301 975–5900

**RIN:** 0693–AB53
NATIONAL MARINE FISHERIES SERVICE

376. 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. NMFS is proposing these operational measures 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>06/01/04</td>
<td>69 FR 30857</td>
</tr>
</tbody>
</table>

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

Phone: 808 973–2985
RIN: 0648–AK82

377. ADJUSTMENT OF MANAGEMENT PROGRAM: BOTTOMFISH FISHERIES IN THE HAWAIIAN 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: The adjustment will establish eligibility criteria for new entry into the NWHIs Maui Zone limited access system and process for issuance of limited access permits under a community development program.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>10/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Yes
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

378. 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, Final regulations to be published within 30 days of end of NPRM comment period.
Abstract: Amendment 2 would add the exclusive economic zone waters off the U.S. Pacific Island Remote Areas and the Commonwealth of the Northern Mariana Islands as crustacean management areas.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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: 808 973–2985
RIN: 0648–AL67

379. FISHERY MANAGEMENT PLAN FOR CALICO SCALLOP FISHERY IN THE SOUTH ATLANTIC REGION (FMP)

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 622
Legal Deadline: Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.
Abstract: The FMP could include the following measures: (1) Definitions of management unit, MSY, OY, and overfishing; (2) requirement for a vessel permit to harvest or possess calico scallops in or from the South Atlantic EEZ; (3) designation of essential fish habitat for calico scallops; (4) prohibition on harvest of calico scallops in the area bounded to the west by 80 degrees W. longitude, to the north by 28 degrees 30 minutes N. latitude, to the south by 27 degrees 30 minutes N. latitude, and to the east by the 100 fathom depth contour; and (5) requirement for use of transponders by calico scallop vessels.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/00/05</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>05/00/05</td>
<td></td>
</tr>
</tbody>
</table>

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–AL78

380. 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, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: Amendment 7 would facilitate and enable adjustments to management measures for the bottomfish fisheries in Guam. Possible regulatory changes include closed areas, gear restrictions, seasons, permit and notification/reporting requirements, etc.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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: 808 973–2985

RIN: 0648–AN76

381. AMENDMENT 18 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, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: Amendment 18 would address the need for improved conservation of grouper stocks in the Gulf of Mexico by addressing effort capacity control, using VMS, addressing the use of reef fish as bait, addressing longline and buoy gear phase-out, establishing closed areas, modifying TAC Framework procedures and grouper allocations, defining grouper and amberjack status determination criteria, developing Nassau and goliath grouper rebuilding plans, and incorporating the SEDAR process into the TAC Framework procedures.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/00/05</td>
<td></td>
</tr>
</tbody>
</table>

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

382. AMENDMENT 9 TO THE FISHERY MANAGEMENT PLAN AMENDMENT FOR THE PELAGIC 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, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: This amendment would prevent or mitigate and conserve, manage, and allow full utilization of sharks.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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: 808 973–2985

RIN: 0648–AM98

383. REGULATORY AMENDMENT MODIFYING THE GULF OF MEXICO BRD PROTOCOL 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, 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>
### 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

### 384. REGULATORY AMENDMENT UNDER THE FISHERY MANAGEMENT PLAN FOR GULF OF MEXICO REEF FISH (FMP) TO ESTABLISH A RED SNAPPER STOCK REBUILDING PLAN AND TO SET RED SNAPPER OVERFISHING TARGETS AND THRESHOLDS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1801  
**CFR Citation:** 50 CFR 622  
**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.

**Abstract:** This plan amendment under the FMP’s framework procedure would establish a revised red snapper stock rebuilding plan and red snapper overfishing targets and thresholds, all intended to meet requirements of the Magnuson-Stevens Fishery Conservation and Management Act as amended by the Sustainable Fisheries Management Act of 1996. In addition, this amendment will address bycatch reporting requirements of the reef fish fishery.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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.

### 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 Addendum II and III to Amendment 3 to the Interstate Fishery Management Plan for American Lobster (ISFMP). This ANPR/NOI proposes to develop regulations relative to Addendum III to the ISFMP, and combine those with Addendum II (ANPR 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 LCMA.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPR</td>
<td>05/24/01</td>
<td>66 FR 28726</td>
</tr>
<tr>
<td>ANPR Comment</td>
<td>06/25/01</td>
<td></td>
</tr>
<tr>
<td>ANPR</td>
<td>09/05/02</td>
<td>67 FR 56800</td>
</tr>
<tr>
<td>ANPR Comment</td>
<td>10/07/02</td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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 98115–0070  
**Phone:** 206 526–6150

**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 2002 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/09/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

**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 98115–0070  
**Phone:** 206 526–6150
**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, 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:**  
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/00/05</td>
<td>Period End</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** Yes  
**Small Entities Affected:** Businesses, Organizations  
**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:**  
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

**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:**  
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

**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.
391. REGULATORY AMENDMENT TO SECTION 679 PERMITS OR PERMIT–RELATED ISSUES

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 679
Legal Deadline: None

Abstract: This rulemaking would revise several sections of regulations that pertain to permits or permit–related issues by technical edits and clarifications to existing requirements, removal of obsolete text, and clarification and simplification of text. In addition, this rulemaking would combine the registered buyer permit with the Federal processor permit when a shoreside processor does both IFQ and groundfish. This would be accomplished by adding an endorsement to the Federal processor permit.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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. 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249
RIN: 0648–AP67

392. 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 measure would remove the annual landings requirement for permit renewal retroactive to December 4, 2000, which is the date the Northwestern Hawaiian Islands Reserve (NWHI) was established and when restrictions on fishing in the NWHI became uncertain.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/00/05</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>02/00/05</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Yes
Small Entities Affected: Businesses
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–AQ20

393. 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

394. 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>02/14/03</td>
<td>68 FR 7492</td>
</tr>
<tr>
<td>ANPRM Comment</td>
<td>03/17/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comment Period</td>
<td>03/03/03</td>
<td>68 FR 9967</td>
</tr>
<tr>
<td>Extended</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

395. AMENDMENT 1 TO THE SPINY DOGFISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
### 396. 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  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 648  
**Legal Deadline:** 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–AQ86

**Abstract:** This action would implement a limited access program and make other adjustments to the FMP.

<table>
<thead>
<tr>
<th>Type</th>
<th>Action Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/00/05</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**  
**Required:** Undetermined  
**Government Levels Affected:** None

---

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

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 660  
**Legal Deadline:** None  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 660  
**Legal Deadline:** 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:** 808 973–2985  
**RIN:** 0648–AQ91

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

<table>
<thead>
<tr>
<th>Type</th>
<th>Action Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**  
**Required:** No  
**Government Levels Affected:** None  
**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:** 808 973–2985  
**RIN:** 0648–AR06

---

### 399. 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  
**Agency Contact:** Patricia A. Kurkul, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
**Phone:** 808 973–2985  
**RIN:** 0648–AQ92

**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.

<table>
<thead>
<tr>
<th>Type</th>
<th>Action Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**  
**Required:** No  
**Government Levels Affected:** None  
**Government Levels Affected**  
**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. 21668, Juneau, AK 99802  
**Phone:** 907 586–7221  
**Fax:** 907 586–7249  
**RIN:** 0648–AR06

---

### 400. 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  
**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
**Phone:** 808 973–2985  
**RIN:** 0648–AR06

**Abstract:** This rulemaking would revise accounting procedures when deducting
would not be required by NMFS at this time. The use of the electronic logbooks is required information. The current submittal of the logbooks exist in the place of the paper logbook. Currently, electronic version of the logbook in the option of using an NMFS-approved to allow the operator of a catcher vessel to use an electronic catcher vessels to use an electronic logbook. However, (5) review the implementation of the Logbook/Atlantic Coastal Cooperative Statistics Program bycatch reporting program in the context of its consistency with the MSFCA requirement to establish a standardized bycatch reporting methodology; and (6) assess the practicability of additional bycatch reduction measures.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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. 21668, Juneau, AK 99802

Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR30

---

401. 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 its 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

---

402. 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 MSFCA requirement to establish a standardized bycatch reporting methodology; and (6) assess the practicability of additional bycatch reduction measures.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/00/05</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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

Fax: 727 570–5305

RIN: 0648–AR50

---

403. 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 multiyear specifications for the summer flounder, scup, and black sea bass fishery.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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–AR38

---

404. 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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–AR51

405. ANNUAL SPECIFICATIONS FOR THE SURF CLAM AND OCEAN QUAHOG 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 surf clam and ocean quahog fisheries for fishing year 2005.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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–AR55

407. 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 for fishing year 2005.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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–AR57

409. 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 would implement the annual specifications for the Deep-Sea Red Crab Fishery for fishing year 2005.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/00/05</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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–AR59
410. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC TUNAS, SWORDFISH, AND SHARKS

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 fishery management plan for Atlantic tunas, swordfish, and sharks 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/00/05</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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

RIN: 0648–AR61

412. AMENDMENT 10 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: The need for implementing a permanent monitoring program in the shore-based Pacific whiting (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). The treatment and disposition of salmon in the groundfish trawl fisheries, specifically the shore-based whiting fishery, was last addressed by the Pacific Fishery Management Council (Pacific Council) at their October 21 to 25, 1996, meeting in San Francisco, California. 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.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/00/05</td>
<td></td>
</tr>
</tbody>
</table>

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 98115–0070 Phone: 206 526–6150 Fax: 206 526–6426

RIN: 0648–AR63

413. 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 add the exclusive economic zone off the U.S. Pacific Remote Island areas as bottomfish management areas.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Period End
414. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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. 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249
RIN: 0648–AR67

415. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: None

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–AR76

416. • 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.

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: 808 973–2985
RIN: 0648–AR65
FMP to be consistent with the more concise title of the GOA 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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. 21668, Juneau, AK 99802

Phone: 907 586–7221

Fax: 907 586–7249

**RIN:** 0648–AR77

### 418. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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–AR86

### 419. • EXTEND THE MORATORIUM ON HARVESTING SEAMOUNT GROUNDFISH RESOURCES IN THE WESTERN PACIFIC REGION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, August 2004.

**Abstract:** This regulatory action would continue the current moratorium on harvesting seamount groundfish from the Hancock Seamount in the NWHI for another 6 years, until August 31, 2010.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/00/05</td>
<td></td>
</tr>
</tbody>
</table>

**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

### 420. • 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 would 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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

### 421. • 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.
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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. 21668, Juneau, AK 99802

Phone: 907 586–7221
Fax: 907 586–7249

**RIN:** 0648–AR88

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Svein Fougner, 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

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Svein Fougner, 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–AS00
426. • TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS

Priority: Substantive, Nonsignificant
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Yes
Small Entities Affected: Businesses
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–AS08

427. • ATLANTIC HIGHLY MIGRATORY SPECIES; VESSEL MONITORING SYSTEM (VMS) REQUIREMENT EFFECTIVE DATE FOR ATLANTIC SHARK FISHERIES

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule would establish the effective date for the requirement to have a NOAA-approved VMS unit installed and operating on certain directed shark vessels with gillnet or bottom longline gear on board. The VMS requirement, developed in a prior rulemaking, facilitates enforcement of previously implemented time/area closures. The implementation of the VMS requirement was delayed to allow the identification of acceptable VMS units. A VMS type approval notice is expected to be published in the Federal Register shortly.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/18/04</td>
<td>69 FR 28106</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>07/02/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td>10/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: Businesses
Government Levels Affected: None

Legal Deadline: 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–AS07

428. • 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 action 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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–AS09

429. • FISH AND SEAFOOD PROMOTION ACT

Priority: Substantive, Nonsignificant
Legal Authority: Fish and Seafood Promotion Act
CFR Citation: 50 CFR 270

Legal Deadline: None

Abstract: The Fish and Seafood Act of 1986 was implemented in 1989. The regulations were removed during the 1990s. The regulations provide Secretarial oversight of any petition for seafood specific councils to be set up. All funds come from industry and are reimbursed to the Government for any activity other than salaries performed by a Government employee. The rule provides the mechanism for setting up a council, its charter and subsequent operations.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: None
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

430. • REVISED DEFINITION OF ALASKA LOCAL TIME

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801
CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This regulatory amendment would revise the definition of “Alaska local time.” This action is being taken to address instances when a fishery occurs both in the Alaska time zone
and the Hawaii-Aleutian time zone. These instances cause confusion because different parts of the same management area would close at different times.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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. 21668, Juneau, AK 99802.

Phone: 907 586–7221
Fax: 907 586–7249

**RIN:** 0648–AS11

### 431. • INDIVIDUAL FISHING QUOTA DEPARTURE REPORT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory amendment would implement a requirement to submit a revision naming the new location at least 12 hours in advance of the offload, if making an Individual Fishing Quota landing at a location different than the location named on the IFQ Departure report.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>02/00/05</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>03/00/05</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** Undetermined

**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. 21668, Juneau, AK 99802.

Phone: 907 586–7221
Fax: 907 586–7249

**RIN:** 0648–AS13

### 432. • 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>02/00/05</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>03/00/05</td>
<td></td>
</tr>
</tbody>
</table>

**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. 21668, Juneau, AK 99802.

Phone: 907 586–7221
Fax: 907 586–7249

**RIN:** 0648–AS14

### 433. • AMENDMENT 81 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA AND AMENDMENT 74 TO THE FISHERY MANAGEMENT PLAN FOR 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:** These Fishery Management Plan (FMP) amendments would revise the FMPs by revising the goals and objectives for management of the groundfish fisheries. The goals and objectives would provide for a new ecosystem-based management framework that would serve as the management policy for the groundfish fisheries into the future. There are no implementing regulations with these FMP amendments.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/05</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>04/00/05</td>
<td></td>
</tr>
</tbody>
</table>

**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. 21668, Juneau, AK 99802.

Phone: 907 586–7221
Fax: 907 586–7249

**RIN:** 0648–AS12

### 434. • 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/00/05</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>04/00/05</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Yes

**Government Levels Affected:** Yes

**Agency Contact:** James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. 21668, Juneau, AK 99802.

Phone: 907 586–7221
Fax: 907 586–7249

**RIN:** 0648–AS15

---

**DOC—NOAA**

**Proposed Rule Stage**

---
435. • AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP 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: 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
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-AS15

436. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Yes
Small Entities Affected: Businesses
Government Levels Affected: None

Agency Contact: Svein Fougner, 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
Fax: 562 980-4040
RIN: 0648-AS18

437. • EASTERN PACIFIC TUNA CONTROLS

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 300
Legal Deadline: None

Abstract: This rule will implement tuna fishery conservation and management measures recommended by the Inter-American Tropical Tuna Commission (IATTC) and approved by the Department of State for 2004. Historically, the IATTC takes action in June each year and the member nations (including the United States) implement the actions as soon as practicable thereafter. Among the actions anticipated is a quota for yellowfin tuna or a similar conservation measure to limit effort (e.g., a seasonal closure) and prevent overfishing of the yellowfin stock in the eastern Pacific.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Yes
Small Entities Affected: Businesses
Government Levels Affected: None

Agency Contact: Svein Fougner, 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
Fax: 562 980-4040
RIN: 0648-AS17

438. • 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 (NOAA Fisheries) 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 NOAA Fisheries 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Undetermined

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

440. • 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 Plan to set strategic rebuilding parameters for the stock and guide stock rebuilding for bocaccio (Sebastes paucispinis), cowcod (S. lutosus), and other species. In addition, alternatives for establishing summer flounder and black sea bass spawning stock biomass reference points and status determination criteria are included in the plan.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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–AS21

441. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

442. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/00/05</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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–AS23

443. • AMENDMENT 16–3 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: Amendment 16-3 would implement legally-compliant rebuilding plans, consistent with the framework in the Pacific Coast Groundfish FMP, that will set strategic rebuilding parameters to guide stock rebuilding for bocaccio (Sebastes paucispinis), cowcod (S. lutosus), and other species. The rebuilding plans will be based on scientifically derived rebuilding units, and will include established rebuilding strategies for these species.
Groundfish Fishery.

Abstract:

This rulemaking will implement the 2005–06 annual rebuilding plans. Management measures implemented through the biennial management process will be used to constrain fishing to the targets identified in the rebuilding plans.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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 98115–0070 Phone: 206 526–6150 Fax: 206 526–6426

RIN: 0648–AS26

445. • REGULATORY AMENDMENT GOVERNING THE USE OF ELECTRONIC LOGBOOK FORMS IN WESTERN PACIFIC FISHERIES

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: This regulatory action would allow fishery participants the optional use of electronic logbook forms in substitution of paper logbook forms for Federal data recording/reporting requirements under the FMPs of the western Pacific region.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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: 808 973–2985

RIN: 0648–AS30

446. • ADJUSTMENT OF MANAGEMENT PROGRAM TO PROTECT SEABIRDS IN PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660


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

Abstract: This regulatory amendment would revise management measures governing the Hawaii-based pelagic longline fishery to further reduce interactions with seabirds.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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: 808 973–2985

RIN: 0648–AS29

447. • 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


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

Abstract: Amendment 6 would add the exclusive economic zone waters off the Commonwealth of the Northern Marianas Islands as precious coral management areas.
Northeast Multispecies fishery.

Related to the management of the access programs, and other measures of regular B days-at-sea, new special measures to provide for use

Abstract:

This framework would implement certain access program measures on Georges Bank originally disapproved in Amendment 13 to the Northeast Multispecies FMP and resubmitted for Secretarial review.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/00/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

### 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: 808 973–2985

RIN: 0648–AS31

---

448. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

### 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–AS34

---

450. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>02/00/05</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>03/00/05</td>
<td>Period End</td>
</tr>
</tbody>
</table>

### 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

---

451. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

### Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

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

---

452. • 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 August 1 - September 11 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>06/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

- **Required:** No
- **Government Levels Affected:** None
- **Agency Contact:** Svein Fougner, 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
- **Fax:** 907 586–7249

**NPRM Comment**

- **Period End:** 07/00/04
- **RIN:** 0648–AS39

---

**453. 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 would 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

---

**454. AMEND REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1371(a)(6)

**CFR Citation:** 50 CFR 216

**Legal Deadline:** None

**Abstract:** This action implements certain changes in the prohibitions on importing or exporting marine mammals or marine mammal parts and products that occurred with the enactment of the Marine Mammal Protection Act Amendments of 1994 (Pub. L. 104-238). This action prohibits the export of marine mammals or marine mammal products for purposes other than public display, scientific research, or enhancing the survival of a species or stock and establishes three new categories of exceptions to the prohibition on importing marine mammal parts and products. This is a noncontroversial action that is not significant as it will have only minor effects on a small number of people, most of whom will benefit by the new exceptions.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td>01/00/05</td>
<td></td>
</tr>
</tbody>
</table>

---

**456. PREVENTING HARASSMENT FROM HUMAN ACTIVITIES DIRECTED AT MARINE MAMMALS IN THE WILD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1361 et seq

**CFR Citation:** 50 CFR 216

**Legal Deadline:** None

**Abstract:** This rule would prohibit the public from swimming with or otherwise interacting with dolphins and other marine mammals in the wild.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>01/30/02</td>
<td>67 FR 4379</td>
</tr>
<tr>
<td>Period End</td>
<td>04/01/02</td>
<td></td>
</tr>
</tbody>
</table>

---
### 457. 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 is providing exceptions to prohibitions to allow Federal and State employees to perform conservation activities.  
**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>02/00/05</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**  
**Required:** No  
**Government Levels Affected:** None

**Agency Contact:** Trevor Spradlin, Marine Mammal Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713–2289  
Email: trevor.spradlin@noaa.gov  
**RIN:** 0648–AN43

### 458. CAPTIVE STELLER SEA LIONS

**Priority:** Substantive, Nonsignificant  
**Unfunded Mandates:** Undetermined  
**Legal Authority:** 16 USC 1531 to 1543; 16 USC 1361 et seq  
**CFR Citation:** 50 CFR 223  
**Legal Deadline:** None  
**Abstract:** This rule is to provide exception to captive Steller sea lions (those captured before listing) to assist the public display community in involving these animals.  
**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** 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

### 459. 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 (AA DC) 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM Comment</td>
<td>11/05/01</td>
<td>66 FR 55909</td>
</tr>
<tr>
<td>Period End</td>
<td>12/05/01</td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**  
**Required:** No  
**Government Levels Affected:** Federal

**Agency Contact:** Jennifer Lyn Skidmore, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13710, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713–2289  
Fax: 301 713–0376  
Email: jennifer.skidmore@noaa.gov  
**RIN:** 0648–AO61

### 460. 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** Federal

**Agency Contact:** Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National Resources, 1315 East–West Highway, Silver Spring, MD 20910  
Phone: 301 713–2289  
Fax: 301 713–0376  
Email: ken.hollingshead@noaa.gov  
**RIN:** 0648–AP62
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

461. DESIGNATE CRITICAL HABITAT; WITHDRAW PREVIOUS DESIGNATIONS

Priority: Other Significant
Legal Authority: 16 USC 1533
CFR Citation: 50 CFR 226; 50 CFR 424
Legal Deadline: None

Abstract: This rule: (1) describes an approach for developing these critical habitat designations; (2) announces the NMFS’ intent to conduct a series of public workshops to review a pilot area designation; (3) solicits public comment on the proposed designation approach and information to support the critical habitat designations; and (4) amends the Code of Federal Regulations to withdraw the previous critical habitat designations for 19 of the ESUs which were vacated by court order in April 2002.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>09/29/03</td>
<td>68 FR 55926</td>
</tr>
<tr>
<td>ANPRM Comment</td>
<td>11/13/03</td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/00/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>05/00/05</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

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 98115–0070
Phone: 206 526–6150
Fax: 206 526–6426
RIN: 0648–AQ77

462. REGULATIONS IMPLEMENTING THE BOTTLENOSE DOLPHIN TAKE REDUCTION PLAN

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 229

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 implements the Bottlenose Dolphin Take Reduction Plan, which includes measures to reduce incidental mortality and serious injury of Western North Atlantic coastal bottlenose dolphins in Atlantic fisheries.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586–7235
RIN: 0648–AR39

463. • SEA TURTLE CONSERVATION; RESTRICTIONS TO FISHING ACTIVITIES

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 223
Legal Deadline: None

Abstract: NMFS is revising the seasonally-adjusted gear restriction on large-mesh gillnet fishing in the mid-Atlantic (67 FR 71895, published December 3, 2002) to include state waters from the COLREGS lines to the Mid-Atlantic Exclusive Economic Zone (EEZ) waters, in addition to the EEZ waters specified in the prior rule. In addition, this action would change the gear restriction to include fishing with gillnets with a mesh size 7-inch (17.8 cm) stretched mesh or greater, instead of greater than 8-inch (20.3 cm) stretched mesh. The purpose of this action is to close an unintentional loophole left in the original regulation when state waters were not included in the closure areas. Changing the mesh size limitation will bring the regulation in line with the definitions used by the North Carolina Department of Marine Fisheries (NCDMF), the Harbor Porpoise Take Reduction Plan, and the Bottlenose Dolphin Take Reduction Team for “large-mesh” gillnets and will ensure that other large-mesh gillnet fisheries with the potential for taking sea turtles will fall under the purview of this regulation. The striped bass gillnet fishery in state waters will be exempted from the closure requirements, if fishers follow specified gear-length and tending requirements that are based on the fishing methodology currently used in portions of the striped bass fishery which limit the likelihood of interactions with sea turtles.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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–AR81

464. • LISTING DETERMINATIONS FOR 27 ESUS OF WEST COAST SALMON AND ONCORYNCHUS MYKISS

Priority: Other Significant
Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 223; 50 CFR 224

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 species)
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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

**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

---

465. • 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

**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: 301 713–2332

RIN: 0648–AR99

---

466. • 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 Part 216.3

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) interprets 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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/00/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/04</td>
<td>Period End</td>
</tr>
</tbody>
</table>

**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

---

Email: ken.hollingshead@noaa.gov

RIN: 0648–AR99
### 467. REGULATORY AMENDMENT TO 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, Final regulations to be published within 30 days of end of NPRM comment period.  

**Abstract:** This action would require observer coverage on vessels in the at-sea processing sector of the whiting fishery.

**Regulatory Flexibility Analysis Required:** Yes  
**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–AN16

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/10/03</td>
<td>68 FR 53334</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/10/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td>01/04/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

### 469. AMENDMENT 13 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN (FMP)

**Priority:** Economically Significant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 648

**Legal Deadline:** Final, Judicial, May 1, 2004. Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.

**Abstract:** This action would amend the FMP to address the Magnuson-Stevens Act requirement to implement a stock rebuilding program for all of the regulated multispecies. Management measures may include a days-at-sea reduction, gear reductions, and area management.

**Regulatory Flexibility Analysis Required:** Yes  
**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Additional Information:** The National Marine Fisheries Service (NMFS) amends its regulations to implement provisions of Amendment 13 to the Northeast (NE) Multispecies Fishery Management Plan (FMP). The principal objectives of Amendment 13 include measures to implement a formal rebuilding program for overfished stocks and to end overfishing on those stocks where it is occurring and to bring the FMP into full compliance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). In addition, this rule implements provisions that respond to the requirements of the Court Orders in the lawsuits of Conservation Law Foundation et al. v. Donald Evans et al. (CLF v. Evans) and American Oceans Campaign, et al. v. William M. Daley, et al. (AOC v. Daley).

**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–AQ72  
**RIN:** 0648–AN17

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>12/29/03</td>
<td>68 FR 74939</td>
</tr>
<tr>
<td>NPRM</td>
<td>01/29/04</td>
<td>69 FR 4362</td>
</tr>
<tr>
<td>Comment Period End</td>
<td>02/27/04</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/27/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td>02/27/04</td>
<td></td>
</tr>
<tr>
<td>Notice</td>
<td>04/20/04</td>
<td>69 FR 21089</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/27/04</td>
<td>69 FR 22906</td>
</tr>
<tr>
<td>Correction</td>
<td>04/30/04</td>
<td>69 FR 23667</td>
</tr>
<tr>
<td>Correction</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

### 464. AMENDMENT 10 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

**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 end of NPRM comment period.  

**Abstract:** Amendment 10 would implement a management strategy that would incorporate rotational closed areas for rebuilding the sea scallop resource and address essential fish habitat issues. This action may replace or modify the current DAS reduction schedule.

**Regulatory Flexibility Analysis Required:** Yes  
**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Additional Information:** This regulatory amendment would require full retention of demersal shelf rockfish in the hook-and-line fisheries in the Gulf of Alaska, Regulatory Area 650. If approved, 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

**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

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>01/16/04</td>
<td>69 FR 2561</td>
</tr>
<tr>
<td>NPRM</td>
<td>02/26/04</td>
<td>69 FR 8915</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>03/29/04</td>
<td></td>
</tr>
<tr>
<td>Notice</td>
<td>04/15/04</td>
<td>69 FR 19983</td>
</tr>
<tr>
<td>Notice</td>
<td>04/30/04</td>
<td>69 FR 23729</td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>
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:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/21/04</td>
<td>69 FR 2875</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/20/04</td>
<td>69 FR 7898</td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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. 21668, Juneau, AK 99802
- Phone: 907 586–7221
- Fax: 907 586–7249
- RIN: 0648–AP73

---

### 471. AMENDMENT TO FISHERY MANAGEMENT PLAN FOR REEF FISH RESOURCES OF GULF OF MEXICO TO SET 10–YEAR REBUILDING PLAN FOR RED GROPER

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** In October 2000, the National Marine Fisheries Service (NMFS) issued a determination that the Gulf of Mexico red grouper stock is overfished and undergoing overfishing. This determination was based on the results of a 1999 red grouper stock assessment. Once a stock is 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. The proposed rebuilding plan contains alternatives that would implement a 10-year rebuilding plan for red grouper including a recreational and commercial shallow-water grouper closed season, recreational bag limits, movement of the commercial longline gear boundary, and a reduction of the shallow-water grouper quota by an amount consistent with a 45 percent reduction in commercial red grouper harvest. The rebuilding plan also contains alternatives for establishing red grouper sustainable fishing parameters (e.g., maximum sustainable yield, optimum yield, maximum fishing mortality rate, minimum stock size threshold).

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>01/08/04</td>
<td>69 FR 1278</td>
</tr>
<tr>
<td>Comment Period End</td>
<td>03/08/04</td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>02/20/04</td>
<td>69 FR 7898</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>04/20/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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–AP95

---

### 472. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); BIGEYE TUNA AND SWORDFISH TRADE STATISTICAL DOCUMENT PROGRAMS

**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 implements 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 whitemarlin measures are necessary to comply with ICCAT obligations.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/17/03</td>
<td>68 FR 54410</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/24/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>10/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

- Required: Yes
- Small Entities Affected: Businesses
- Government Levels Affected: None
474. RECREATIONAL MEASURES FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY FOR FISHING YEAR 2004

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 648

Abstract: This action would implement recreational measures for the 2004 fishing year for the summer flounder, scup, and black sea bass fishery.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/14/04</td>
<td>69 FR 19805</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>04/29/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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–AQ65

475. ANNUAL SPECIFICATIONS FOR THE ATLANTIC BLUEFISH FISHERY FOR 2004

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 648

Abstract: This action would implement the annual specifications for the Atlantic Bluefish Fishery for fishing year 2004.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/19/04</td>
<td>69 FR 28875</td>
</tr>
</tbody>
</table>

476. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SWORDFISH QUOTAS

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 971 et seq
CFR Citation: 50 CFR 635

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/20/03</td>
<td>68 FR 36967</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>08/04/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Yes
Small Entities Affected: Businesses

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

RIN: 0648–AQ82

477. AMENDMENT 66 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

Abstract: This rulemaking would modify the Individual Fishing Quota (IFQ) Program by revising the definition of an eligible quota share holder to allow eligible communities in the Gulf of Alaska (GOA) to purchase and hold halibut and sablefish quota share (QS) for lease to, and use by, community residents as defined by specific elements of the proposed action.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>09/02/03</td>
<td>68 FR 52173</td>
</tr>
<tr>
<td>NPRM</td>
<td>10/16/03</td>
<td>68 FR 59564</td>
</tr>
<tr>
<td>Period End</td>
<td>12/01/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/30/04</td>
<td>69 FR 23681</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>06/01/04</td>
<td></td>
</tr>
<tr>
<td>Correction</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: Yes
Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

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

RIN: 0648–AQ98

478. ATLANTIC HIGHLY MIGRATORY SPECIES; TRADE RESTRICTIVE MEASURES

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 971 et seq
CFR Citation: 50 CFR 635

Abstract: This rule would implement the trade restrictive measures recommended at the 2002 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 and conditionally from
St. Vincent and the Grenadines and Belize, depending on decisions at the 2003 ICCAT meeting. Bigeye tuna imports from Sierra Leone and Bolivia would be banned. The import prohibitions on Atlantic bluefin tuna and Atlantic swordfish would be lifted from Honduras and conditionally from Belize, depending on decisions at the 2003 ICCAT meeting. 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 a U.S. country.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/06/04</td>
<td>69 FR 25357</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>06/21/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

### 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

### 481. REGULATORY AMENDMENT TO PROHIBITED SPECIES CATCH DONATION REGULATIONS TO ALLOW PROCESSING OF HEADS AND GUTS

**Priority:** Substantive, Nonsignificant
**Legal Authority:** 16 USC 1801 et seq
**CFR Citation:** 50 CFR 679
**Legal Deadline:** None
**Abstract:** This regulatory amendment would allow the sale of certain products to be made from the heads and guts of salmon and halibut taken incidentally in groundfish fisheries. This action would revise our prohibited species donation rules to allow processors to convert the heads and guts of salmon and halibut into fish meal, fish oil or bone meal, and retain the proceeds of the sale of these products.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/05/04</td>
<td>69 FR 25056</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>06/04/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

### Regulatory Flexibility Analysis

**Required:** No
**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. 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

**RIN:** 0648–AR41
482. AMENDMENT 21 TO THE REEF FISH FISHERY MANAGEMENT PLAN

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 (Council) has submitted Amendment 21 to the subject FMP to the National Marine Fisheries Service (NOAA Fisheries) for Secretarial review. The amendment was approved by the Council by a vote of 10 to 5 (two absentees) at its July 2003 meeting. It proposes to: (1) extend the marine reserves at Madison-Swanson and Steamboat Lumps for an additional six years; (2) allow surface trolling only for coastal migratory pelagics and highly migratory species (HMS) in the marine reserves during May through October; (3) prohibit all fishing in the marine reserves during November through April; and (4) prohibit the possession of reef fish within the reserves except for vessels transiting the reserves in accordance with the same requirements as implemented for the Tortugas South and North closed fishing areas (Reef Fish Amendment 19). Additionally, the Council will send a letter to the Highly Migratory Species Division of NMFS requesting that they implement regulations compatible with the proposals in this amendment for species under their jurisdiction.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>12/10/03</td>
<td>68 FR 68854</td>
</tr>
<tr>
<td>Comment Period End</td>
<td>02/09/04</td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>01/05/04</td>
<td>69 FR 310</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>02/19/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>05/04/04</td>
<td>69 FR 24532</td>
</tr>
<tr>
<td>Correction</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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–AR66

483. • AMENDMENT 63 TO THE FISHERY MANAGEMENT PLAN FOR 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 revise the FMP by moving skate species from the other species category to the target species category, allowing for management of skates as a target species. The draft regulations would revise Table 10 of 50 CFR 679 to establish skate maximum retainable amounts (MRAs) in other directed groundfish fisheries and to establish MRAs of other groundfish in the skate directed fishery. The definition of other species in the regulations will also be revised to remove skates from the other species list.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/06/03</td>
<td>68 FR 614</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>02/02/04</td>
<td></td>
</tr>
<tr>
<td>Notice</td>
<td>12/02/03</td>
<td>68 FR 67390</td>
</tr>
<tr>
<td>Comment Period End</td>
<td>02/02/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>05/12/04</td>
<td>69 FR 26313</td>
</tr>
<tr>
<td>Correction</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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. 21668, Juneau, AK 99802
Phone: 907 586–7249
Fax: 907 586–7221
Email: john.dunnigan@noaa.gov
RIN: 0648–AR80

484. • ATLANTIC HIGHLY MIGRATORY SPECIES: SEA TURTLE BYCATCH MITIGATION

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq
CFR Citation: 50 CFR 635
Legal Deadline: None

Abstract: NMFS amends its regulations to adjust regulations governing the Atlantic pelagic longline fishery, including: modification of allowable fishing gear and techniques; modification of requirements for possession and use of on-board equipment to minimize sea turtle mortality, modifications of areas closed to pelagic longline fishing, and establishment of minimum levels of observer coverage levels in portions of the pelagic longline fishery. Changes in allowable fishing gear, techniques, and on-board equipment would reduce sea turtle interactions and mortality of sea turtles caught incidental to fishing activities. This action would not change established quotas and is not expected to change overall effort.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notice</td>
<td>12/02/03</td>
<td>68 FR 67390</td>
</tr>
<tr>
<td>Comment Period End</td>
<td>02/02/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>05/12/04</td>
<td>69 FR 26313</td>
</tr>
<tr>
<td>Correction</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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–AR73

485. • REVISIONS TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR 2004 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 2004, the Council has recommended minor changes to the Plan that would: revise public notification processes for revisions to Washington sport fishery regulations; slightly revise season start dates in the Washington North Coast and South Coast subareas; revise the parameters for setting Oregon Central Coast fishing dates pre-season to provide more potential fishing days to the public; extend the season duration south of Humbug Mountain to October 31; and, clarify Federal halibut season regulations so that they provide better protection for overfished groundfish species by stating that halibut possession is prohibited in waters closed to halibut fishing and that the waters closed to recreational nearshore halibut fishing are the same as those closed to recreational groundfish fishing.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>02/23/04</td>
<td>69 FR 8162</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>03/09/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>05/04/04</td>
<td>69 FR 24524</td>
</tr>
<tr>
<td>Correction</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**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 98115–0070 Phone: 206 526–6150 Fax: 206 526–6426

**RIN:** 0648–AR83

---

**486. • 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, 2004, The fishery must open on May 1.

**Abstract:** The annual management measures for the 2004-2005 fishing year specify allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selectivity, and season notice procedures.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/02/04</td>
<td>69 FR 31085</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>06/17/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** None

**Government Levels Affected:** None

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

**RIN:** 0648–AO25
489. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); ATLANTIC SHARK QUOTA ADJUSTMENT FOR THE NORTH ATLANTIC REGION
Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 635
Legal Deadline: None
Abstract: This action would adjust the North Atlantic shark regional quota for the 2004 fishing year. Historically, the shark quotas have been split equally between the two semi-annual fishing seasons. In December 2003, the National Marine Fisheries Service (NMFS) implemented regional quotas for the first time. Because of these regional quotas, NMFS needs to reconsider how the quota is split between the first and second semi-annual seasons for the North Atlantic region.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/13/04</td>
<td>69 FR 26540</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>05/28/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
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–AS32

491. ATLANTIC LARGE WHALE 2002 SEASONAL AREA MANAGEMENT (SAM) PROGRAM
Priority: Other Significant
Legal Authority: 16 USC 1361 et seq
CFR Citation: 50 CFR 229
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.

492. 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/03/01</td>
<td>66 FR 35209</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/22/01</td>
<td>66 FR 44109</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/04/01</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/02/01</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/00/04</td>
<td></td>
</tr>
</tbody>
</table>
### 493. DESIGNATED CRITICAL HABITAT: PROPOSED CRITICAL HABITAT FOR NORTHERN CALIFORNIA STEELHEAD

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1533  
**CFR Citation:** 50 CFR 226  
**Legal Deadline:** Final, Statutory, June 7, 2001.

**Abstract:** On June 7, 2000, NMFS listed the Northern California steelhead evolutionarily significant unit of steelhead as threatened under the Endangered Species Act. NMFS will now designate critical habitat for these steelhead. This action has been delayed and will be included in a designation of critical habitat for twenty ESUs of Pacific Salmon that will be completed by February 2005.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/19/00</td>
<td>65 FR 79328</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/20/01</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>02/00/05</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No  
**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

### 495. ACCESS TO TISSUE SPECIMEN SAMPLES FROM THE NATIONAL MARINE MAMMAL TISSUE BANK

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 CFR 1361  
**CFR Citation:** 50 CFR 216.22  
**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) issues this rule to make available tissue specimen samples to the scientific community for research. This action would be consistent with the goal of the National Marine Mammal Tissue Bank (NMMTB). The intent of this rule is to allow the scientific community the opportunity to comment on the protocol for requesting tissue specimen samples.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/12/02</td>
<td>67 FR 68553</td>
</tr>
</tbody>
</table>

### 496. ENDANGERED SPECIES AND PESTICIDE REGULATION

**Priority:** Other Significant  
**Legal Authority:** 16 USC 1536  
**CFR Citation:** 50 CFR 402.04  
**Legal Deadline:** None

**Abstract:** NOAA, FWS, and EPA are jointly exploring the issuance of “counterpart regulations.” Issued under the authority of the Endangered Species Act, these regulations would establish a separate section 7 consultation process for EPA, relative to pesticides actions under the Federal Insecticides, Fungicide and Rodenticide Act (FIFRA) that may affect endangered and threatened species.

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Federal  
**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–AQ51

### 494. 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
497. ZERO MORTALITY RATE GOAL
Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1361 et seq
CFR Citation: 50 CFR 229
Legal Deadline: None
Abstract: NMFS is clarifying through regulation the definition of “insignificant levels approaching a zero mortality and serious injury rate,” which is a part of the Zero Mortality Rate Goal of the Marine Mammal Protection Act.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>07/09/03</td>
<td>68 FR 40888</td>
</tr>
<tr>
<td>ANPRM Comment</td>
<td>09/08/03</td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>04/29/04</td>
<td>69 FR 23477</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>06/01/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Government Levels Affected: None
Agency Contact: Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21686, Juneau, AK 99802
Phone: 907 586–7235
RIN: 0648–AS04

499. • PROCEDURES FOR LIMITING CAPACITY OF THE TUNA PURSE SEINE FLEET IN THE EASTERN TROPICAL PACIFIC OCEAN (ETP); UPDATES TO THE TUNA TRACKING AND VERIFICATION PROGRAM
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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/13/04</td>
<td>69 FR 19365</td>
</tr>
<tr>
<td>Other/Comment</td>
<td>05/13/04</td>
<td>69 FR 26539</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>05/13/04</td>
<td></td>
</tr>
<tr>
<td>Other/NPRM Comment</td>
<td>06/14/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No
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
RIN: 0648–A185

500. 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/31/03</td>
<td>68 FR 62033</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/31/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>10/00/04</td>
<td></td>
</tr>
</tbody>
</table>

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

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

NATIONAL MARINE FISHERIES SERVICE

501. PROPOSED HIGHLY MIGRATORY SPECIES PROCESS
Priority: Substantive, Nonsignificant
CFR Citation: 50 CFR 635
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/18/97</td>
<td>62 FR 48990</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/15/97</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>09/00/05</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None
Agency Contact: John Dunnigan
Phone: 301 713–1917
Email: john.dunnigan@noaa.gov
RIN: 0648–AK40

502. • 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/05</td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/00/05</td>
<td></td>
</tr>
</tbody>
</table>

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
Fax: 907 586–7221
Email: kathryn.conant@noaa.gov
RIN: 0648–AS37

504. INTERAGENCY POLICY ON THE PRESCRIPTION OF FISHWAYS UNDER SECTION 18 OF THE FEDERAL POWER ACT
Priority: Substantive, Nonsignificant
CFR Citation: 18 CFR 385.713

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>12/22/00</td>
<td>65 FR 80898</td>
</tr>
<tr>
<td>Notice Comment</td>
<td>02/20/01</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal
Agency Contact: Kathryn Conant
Phone: 301 713–2325
Fax: 301 713–1043
Email: kathryn.conant@noaa.gov
RIN: 0648–A070

505. POLICY FOR REVIEW OF MANDATORY CONDITIONS DEVELOPED BY THE DEPARTMENTS OF THE INTERIOR AND COMMERCE IN THE CONTEXT OF HYDROPOWER LICENSING
Priority: Substantive, Nonsignificant
CFR Citation: 18 CFR 385.713

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>12/13/00</td>
<td>65 FR 77889</td>
</tr>
<tr>
<td>Notice Comment</td>
<td>01/03/01</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal
Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.
Agency Contact: Kathryn Conant
Phone: 301 713–2325
Fax: 301 713–1043
Email: kathryn.conant@noaa.gov
RIN: 0648–AO84
NATIONAL OCEAN SERVICE/Office of Ocean and Coastal Resource Management

506. Revision of Overflight Regulations
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 922
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Debra Malek
Phone: 301 713–3125
RIN: 0648–AI91

507. Interagency Consultation for the National Marine Sanctuary Program
Priority: Other Significant
CFR Citation: 15 CFR 922
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: Federal

Agency Contact: Helen Golde
Phone: 301 713–3145
RIN: 0648–AL06

508. Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 922
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>08/23/00</td>
<td>65 FR 51264</td>
</tr>
<tr>
<td>ANPRM Comment</td>
<td>10/23/00</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Next Action Undetermined</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Helen Golde
Phone: 301 713–3145
RIN: 0648–AO36

509. Procedural Changes to the Federal Consistency Process
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 930
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANPRM</td>
<td>07/02/02</td>
<td>67 FR 44407</td>
</tr>
<tr>
<td>ANPRM Comment</td>
<td>09/03/02</td>
<td></td>
</tr>
</tbody>
</table>

Next Action Undetermined

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: Undetermined

Agency Contact: David W. Kaiser
Phone: 301 713–3155
Fax: 301 713–4367
Email: david.kaiser@noaa.gov
RIN: 0648–AP98

510. 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: Not Yet Determined
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 (ENC) 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: None

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

511. Coastal Zone Management Act Federal Consistency Regulations
Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 930
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/11/03</td>
<td>68 FR 34851</td>
</tr>
</tbody>
</table>

Final Action To Be Determined

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: David W. Kaiser
Phone: 301 713–3155
Fax: 301 713–4367
Email: david.kaiser@noaa.gov
RIN: 0648–AR16
**OFFICE OF THE ADMINISTRATOR**

**512. REGIONAL MARINE RESEARCH PROGRAM**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** Not Yet Determined  
**Legal Authority:** 16 USC 1801 et seq

**Abstract:** This action would revise current exempted fishing regulations to specifically authorize the use of an exempted fishing permit as the method of allowing the compensation of private vessels for their conduct of resource assessment. Specific methodology for vessel compensation would be developed on a fishery-by-fishery basis. The rule would also make other minor changes in the regulations.

**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)**

**National Oceanic and Atmospheric Administration (NOAA)**

**513. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 50 CFR 622  
**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.

**Abstract:** Amendment 4 would restrict the use of gillnets, fish traps, and other gear in the reef fish fishery in the Caribbean exclusive economic zone. Amendment 4 would address the possible need for permitting in the fish trap fishery.

**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, National Marine Fisheries Service, 1315 East–West Highway, Silver Spring, MD 20910  
**Phone:** 301 713–1917  
**Fax:** 301 713–5583  
**Email:** john.dunnigan@noaa.gov  
**RIN:** 0648–AK84

---

**515. AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO (FMP)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 50 CFR 600  
**Legal Deadline:** None  
**Abstract:** This regulatory amendment would enhance measures designed to mitigate seabird bycatch in the longline fisheries off Alaska.

---

**516. ENHANCED MEASURES TO MITIGATE SEABIRD BYCATCH IN THE ALASKA LONGLINE FISHERIES (HOOK–AND–LINE)**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 50 CFR 679  
**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.

**Abstract:** This regulatory amendment would enhance measures designed to mitigate seabird bycatch in the longline fisheries off Alaska.
517. IMPLEMENTATION OF WESTERN PACIFIC CORAL REEF ECOSYSTEM FISHERY MANAGEMENT PLAN (FMP)
Priority: Other Significant
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 end of NPRM comment period.
Abstract: This action would implement the Western Pacific Coral Reef Ecosystem FMP. Possible initial management measures include permit and reporting requirements, framework procedures, gear restrictions, harvest limits/restictions, marine protected areas, no anchoring zones, etc.

519. FISHERY MANAGEMENT PLAN (FMP) FOR SARGASSUM HABITAT OF THE SOUTH ATLANTIC
Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 622
Legal Deadline: Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.
Abstract: The regulatory action implementing measures in the FMP would: (1) establish a total prohibition of all harvest and possession of Sargassum from the South Atlantic exclusive economic zone (EEZ) south of 34 degrees N latitude; (2) allow a limited annual harvest of 5,000 pound landed wet weight of Sargassum from the South Atlantic EEZ 100 miles seaward of the shore between 34 degrees N latitude and the latitude line representing the North Carolina/Virginia border during the months of November through June; (3) require an official observer to be present on each Sargassum harvesting trip; and (4) require that nets used to harvest Sargassum be constructed of four-inch stretch mesh or larger fitted to a frame no larger than 4 feet by 6 feet. Restricting the harvest of Sargassum may result in the one small business entity ceasing business operations. The firm qualifies as a small business entity because its gross revenues do not exceed $3.0 million annually. The value of the 1997 harvest (the last documented year in which harvest occurred) was estimated to be $36,000. The average annual value of the harvest from 1976 to 1997 was estimated to be $61,000. Additionally, there is no indication that harvest has occurred since 1997. Therefore, the SAFMC concluded that the indirect benefits of increased productivity of marine life and non-consumptive, non-use social benefits that would result from reduced harvest levels would greatly outweigh the direct impacts to the one intermittently operating business.

518. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC FMP
Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 640
Legal Deadline: Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.
Abstract: Amendment 7 would address issues regarding the impacts of the FMP’s tailing permit provisions on State spiny lobster conservation efforts.
520. FISHERY MANAGEMENT PLAN FOR THE DOLPHIN AND WAHOO FISHERY OF THE ATLANTIC, CARIBBEAN, AND GULF OF MEXICO (FMP) OF THE ATLANTIC

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 622
Legal Deadline: Final, Statutory, Final regulations to be published within 30 days of the end of NPRM comment period.

Abstract: This new FMP, as prepared by the South Atlantic Fishery Management Council, is to provide a comprehensive management program for dolphin and wahoo in the Atlantic Ocean exclusive economic zone.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/06/02</td>
<td>67 FR 72629</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/06/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/10/03</td>
<td>68 FR 1430</td>
</tr>
<tr>
<td>Period Extended</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/10/03</td>
<td>68 FR 63738</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

522. AMENDMENT 13A 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: NPRM, Statutory, Final regulations to be published within 30 days of NPRM comment period.

Abstract: Amendment 13A will evaluate alternatives to extend the prohibition on fishing for and possessing Snapper-Grouper species within the oculina experimental closed area for an additional period of time, that prohibition which was implemented in 1996 through amendment 6 to the Snapper-Grouper FMP, is scheduled to sunset in June 2004.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>11/04/03</td>
<td>68 FR 62422</td>
</tr>
<tr>
<td>Notice Comment</td>
<td>01/05/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>11/25/03</td>
<td>68 FR 66069</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/09/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>03/26/04</td>
<td>69 FR 15731</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Yes

521. ATLANTIC HIGHLY MIGRATORY SPECIES; EXEMPTED FISHING PERMITS PROCEDURES

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq
CFR Citation: 50 CFR 635
Legal Deadline: None

Abstract: NMFS amends procedures for issuing exempted fishing permits for fishing activities that are otherwise prohibited, and for scientific research permits.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>11/04/03</td>
<td>68 FR 62422</td>
</tr>
<tr>
<td>Notice Comment</td>
<td>01/05/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NPRM</td>
<td>11/25/03</td>
<td>68 FR 66069</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/09/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>03/26/04</td>
<td>69 FR 15731</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Yes

523. FISHING CAPACITY REDUCTION PROGRAM FOR THE CRAB SPECIES COVERED BY THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS

Priority: Economically Significant. Major under 5 USC 801.
Legal Authority: 16 USC 1861a; 46 USC 1279f; PL 106–554
CFR Citation: 50 CFR 600

Abstract: This action establishes a fishing capacity reduction program in the fishery for the crab species covered by the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs. The crab reduction program makes payments for revoking crab licenses in, and withdrawing fishing vessels from, the crab fishery. Reducing the number of crab licenses and vessels in the crab fishery increases post-reduction harvesting productivity, helps conserve and manage the crab resources, and fosters the potential for rationalizing crab fishery harvesting effort. The regulations add a new section 600.1018 to the fishing capacity reduction framework regulations contained in subpart L to 50 CFR part 600.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/12/02</td>
<td>67 FR 76329</td>
</tr>
<tr>
<td>Correction</td>
<td>12/30/02</td>
<td>67 FR 79550</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/28/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comment Period</td>
<td>01/29/03</td>
<td>68 FR 4161</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>04/15/03</td>
<td>68 FR 18185</td>
</tr>
<tr>
<td>Period Reopened</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second NPRM</td>
<td>04/30/03</td>
<td></td>
</tr>
<tr>
<td>Comment Period</td>
<td></td>
<td></td>
</tr>
<tr>
<td>End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/12/03</td>
<td>68 FR 69331</td>
</tr>
</tbody>
</table>
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–AP25

524. IMPLEMENTATION OF FISHERY MANAGEMENT PLAN FOR HIGHLY MIGRATORY SPECIES FISHERIES OFF THE WEST COAST
Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 660
Legal Deadline: None
Abstract: This action would implement the Fishery Management Plan (FMP) for Highly Migratory Species Fisheries off the West Coast. The FMP is currently under development by the Pacific Fishery Management Council (Council) under the terms of the Magnuson-Stevens Act and other applicable law. The FMP will both establish a process for implementing regulations as deemed necessary in the future and provide a basis for initial regulation of selected fishery sectors (e.g., drift gillnet and longline) to ensure conservation of the fish stocks involved and protection of species of special concern such as sea turtles and seabirds. The FMP will include substantial environmental and economic analyses consistent with the requirements of the National Environmental Policy Act, the Regulatory Flexibility Act, and Executive Order 12296 and other laws and orders. Steps for reviewing and implementing approved elements of the FMP are set forth in the Magnuson-Stevens Act and include provisions for publication of proposed and final rules within certain time periods.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>11/06/03</td>
<td>68 FR 62763</td>
</tr>
<tr>
<td>Notice Comment</td>
<td>01/05/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correction</td>
<td>12/01/03</td>
<td>68 FR 67132</td>
</tr>
<tr>
<td>NPRM</td>
<td>12/10/03</td>
<td>68 FR 68834</td>
</tr>
</tbody>
</table>

525. REGULATORY AMENDMENT UNDER THE COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLAN
Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 622
CFR Citation: 50 CFR 622
Legal Deadline: Final, Statutory, 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, this action would establish biomass-based stock status criteria such as maximum-sustainable yield (MSY), optimum yield (OY), and definitions of overfishing and overfished using default control rules as required by the Magnuson-Stevens Fishery Conservation and Management Act.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>10/14/03</td>
<td>68 FR 59151</td>
</tr>
<tr>
<td>Period End</td>
<td>11/13/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>03/30/04</td>
<td>69 FR 16499</td>
</tr>
</tbody>
</table>

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–AP57

526. ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES; AMENDMENT 13
Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 40 CFR 648
Legal Deadline: Final, Statutory, Final regulations to be published within 30 days of the end of the NPRM comment period.
Abstract: Amendment 13 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries would describe gear impacts on essential fish habitat, revise the surf clam overfishing definition, establish multi-year quotas, and add/revise other measures.
Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>08/25/03</td>
<td>68 FR 50998</td>
</tr>
<tr>
<td>Notice Comment</td>
<td>10/23/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/25/03</td>
<td>68 FR 55358</td>
</tr>
<tr>
<td>Period End</td>
<td>10/27/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/16/03</td>
<td>68 FR 69970</td>
</tr>
</tbody>
</table>

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. Petersurg, FL 33702–2432 Phone: 727 570–5305 Fax: 727 570–5583
RIN: 0648–AP50

527. AMENDMENT TO REGULATIONS FOR OBSERVER AT–SEA ELECTRONIC COMMUNICATION EQUIPMENT REQUIREMENTS FOR VESSELS AND SHORESIDE PROCESSORS IN THE NORTH PACIFIC GROUNDFISH FISHERIES
Priority: Other Significant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 679
Timetable:

**Abstract:** This rulemaking would refine requirements for the facilitation of observer data transmission and improve support for observers. The rulemaking is intended to assure continued collection of high-quality observer data to support the management objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska.

**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. 21668, Juneau, AK 99802

Phone: 907 586–7221

Fax: 907 586–7249

RIN: 0648–AP92

### 529. FLEET CAPACITY CONTROL FOR U.S. TUNA PURSE SEINE FISHERIES IN THE EASTERN PACIFIC OCEAN

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplicate of 0648-AQ93</td>
<td>04/13/04</td>
<td>RIN: 0648–AQ21</td>
</tr>
</tbody>
</table>

### 530. IMPLEMENTATION OF U.S. – CANADA ALBACORE TREATY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 50 CFR 300

**Legal Deadline:** None

**Abstract:** NMFS proposes regulations necessary to implement the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty) as authorized by recently passed legislation. This rule would establish vessel marking, record keeping, and reporting requirements for U.S. albacore tuna fishing vessel operators and vessel marking and reporting requirements for Canadian albacore tuna fishing vessel operators fishing under the Treaty. The intended effect of this rule is to allow the United States to carry out its obligations under the Treaty by allowing fishing by both U.S. and Canadian vessels as provided for in the Treaty.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawn</td>
<td>04/19/04</td>
<td></td>
</tr>
</tbody>
</table>

**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–AQ27

### 532. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2003 BLUEFIN TUNA QUOTA SPECIFICATIONS AND EFFORT CONTROLS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq
### 535. CONTINUATION OF MEASURES TO REDUCE FISHING MORTALITY IN THE NORTHEAST MULTISPECIES FISHERY AND IMPLEMENT A DAS LEASING PROGRAM

**Priority:** Other Significant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 648

**Legal Deadline:** NPRM, Judicial, July 27, 2003, Court Order requires the continuation of measures implemented in the August 1, 2002, interim rule until the implementation of Amendment 13 to the Northeast Multispecies Fishery Management Plan.

**Abstract:** The action would continue management measures currently in place, which are intended to reduce overfishing on species managed under the Northeast Multispecies Fishery Management Plan (FMP) while the New England Fishery Management Council completes development of Amendment 13 to the FMP. In addition, a days-at-sea leasing program is established to allow leasing of DAS by limited access permit holders in order to increase flexibility in the fishery and enable some participants to remain economically viable.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/24/03</td>
<td>68 FR 20096</td>
</tr>
<tr>
<td>Correction</td>
<td>05/09/03</td>
<td>68 FR 24914</td>
</tr>
<tr>
<td>Comment Period Extended</td>
<td>05/23/03</td>
<td>68 FR 28188</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>05/27/03</td>
<td></td>
</tr>
<tr>
<td>Correction</td>
<td>06/20/03</td>
<td>68 FR 36970</td>
</tr>
<tr>
<td>Final Rule</td>
<td>06/27/03</td>
<td>68 FR 38234</td>
</tr>
<tr>
<td>Final Rule</td>
<td>07/14/03</td>
<td>68 FR 41549</td>
</tr>
<tr>
<td>Final Rule</td>
<td>12/22/03</td>
<td>68 FR 71032</td>
</tr>
<tr>
<td>Merged With</td>
<td>04/19/04</td>
<td>0648–AN17</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

**Required:** Yes

**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 98115–0070 Phone: 206 526–6150 Fax: 206 526–6426

**RIN:** 0648–AQ58

---

### 534. PACIFIC COAST GROUNDFISH FISHERY: PACIFIC COAST GROUNDFISH VESSEL MONITORING SYSTEM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 660

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

**Abstract:** This regulation would require vessels participating in the Pacific Coast groundfish fishery off the coasts of WA, OR, and CA to carry and use vessel monitoring systems (VMS) transmitters. This action is necessary to enhance monitoring of compliance with large-scale depth-based closures that are proposed to be used to prohibit most fishing activities across much of the continental shelf. In addition, this action is intended to further the conservation goals and objectives of the Pacific Coast Groundfish FMP by allowing fishing to continue in areas and with gear that can harvest healthy stocks with little incidental catch of overfished and low abundance species. This action will also require certain vessels legally fishing within the otherwise closed area to notify NMFS when they will be fishing in the closed areas.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/22/03</td>
<td>68 FR 27972</td>
</tr>
<tr>
<td>NPRM</td>
<td>06/13/03</td>
<td>68 FR 35954</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>07/28/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/04/03</td>
<td>68 FR 62374</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

---

### 533. RULEMAKING TO CORRECT THE SALMON FISHERY COORDINATES AS IMPLEMENTED IN AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SALMON FISHERIES IN THE EEZ OFF THE COAST OF ALASKA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This rulemaking will change the area coordinates for the salmon fishery in the EEZ off Alaska to agree with the coordinates implemented by Amendment 3 to the Fishery Management Plan for the Salmon Fishery in the EEZ off Alaska.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/23/03</td>
<td>68 FR 43483</td>
</tr>
</tbody>
</table>

---

### Regulatory Flexibility Analysis

**Required:** Yes

**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–AQ38
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/22/03</td>
<td>68 FR 60324</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/21/03</td>
<td>68 FR 60324</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/22/03</td>
<td>68 FR 71033</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**
Required: Yes

**Small Entities Affected:** Businesses, Organizations

**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 2004.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/28/03</td>
<td>68 FR 66784</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/15/03</td>
<td>68 FR 66784</td>
</tr>
<tr>
<td>Final Action</td>
<td>01/14/04</td>
<td>69 FR 2074</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**
Required: Yes

**Small Entities Affected:** Businesses, Organizations

**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 Summer Flounder, Scup, and Black Sea Bass Fisheries for fishing year 2004.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/28/03</td>
<td>68 FR 66784</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/15/03</td>
<td>68 FR 66784</td>
</tr>
<tr>
<td>Final Action</td>
<td>01/14/04</td>
<td>69 FR 2074</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**
Required: Yes

**Small Entities Affected:** Businesses, Organizations

**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 Fisheries for fishing year 2004.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/14/03</td>
<td>68 FR 64579</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/15/03</td>
<td>68 FR 64579</td>
</tr>
<tr>
<td>Final Action</td>
<td>02/02/04</td>
<td>69 FR 4861</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**
Required: Yes
would still be allocated to the “other species” CDQ reserve, the reserve would not be allocated to individual CDQ groups. “Other species” CDQ would initially be closed to directed fishing, and CDQ fishery participants would be subject to maximum retainable amount standards in relation to their “other species” CDQ catch. Once the aggregate “other species” CDQ catch reaches the annual 7.5 percent CDQ reserve amount, “other species” CDQ would be placed on prohibited species catch status. Further restrictions would not occur unless the harvest of “other species” by both CDQ and non-CDQ fisheries approached the overfishing level of this species complex.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/22/03</td>
<td>68 FR 60327</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/06/03</td>
<td>68 FR 65974</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/16/03</td>
<td>68 FR 69974</td>
</tr>
</tbody>
</table>

**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–AQ83

542. “OTHER SPECIES” CDQ RESERVE MANAGEMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory amendment would revise how NMFS manages the “other species” CDQ reserve. Although 7.5 percent of the “other species” would still be allocated to the “other species” CDQ reserve, the reserve would not be allocated to individual CDQ groups. “Other species” CDQ would initially be closed to directed fishing, and CDQ fishery participants would be subject to maximum retainable amount standards in relation to their “other species” CDQ catch. Once the aggregate “other species” CDQ catch reaches the annual 7.5 percent CDQ reserve amount, “other species” CDQ would be placed on prohibited species catch status. Further restrictions would not occur unless the harvest of “other species” by both CDQ and non-CDQ fisheries approached the overfishing level of this species complex.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>10/22/03</td>
<td>68 FR 60327</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/06/03</td>
<td>68 FR 65974</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/16/03</td>
<td>68 FR 69974</td>
</tr>
</tbody>
</table>

**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–AQ83

543. EASTERN PACIFIC TUNA CONTROLS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 955 to 961; 16 USC 971 et seq

**CFR Citation:** 50 CFR 300

**Legal Deadline:** None

**Abstract:** This rule would implement tuna fishery conservation and management measures recommended by the Inter-American Tropical Tuna Commission (IATTC) and approved by the Department of State for 2003. Historically, the IATTC takes action in June each year and the member nations (including the United States) implement the actions as soon as practicable thereafter. Among the actions anticipated is a quota for yellowfin tuna or a similar conservation measure to limit effort (e.g., a seasonal closure) and prevent overfishing of the yellowfin stock in the eastern Pacific.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/07/03</td>
<td>68 FR 63052</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/19/03</td>
<td>68 FR 67607</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/03/03</td>
<td>68 FR 67607</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**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: 808 973–2985

**RIN:** 0648–AQ93

544. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); ATLANTIC SHARK MANAGEMENT MEASURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

**Abstract:** This rule would implement management measures to amend some of the shark regulations currently issued under the Fishery Management Plan for Atlantic tunas, swordfish, and sharks. Management measures that could change include commercial fishing quotas, recreational retention limits, minimum sizes, prohibited species, and the process for issuing permits for highly migratory species caught for display purposes. These changes would affect fishermen fishing for highly migratory species in the Atlantic, Gulf of Mexico, and Caribbean Sea.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>11/15/02</td>
<td>67 FR 68180</td>
</tr>
<tr>
<td>NPRM</td>
<td>08/01/03</td>
<td>68 FR 45196</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/30/03</td>
<td>68 FR 54885</td>
</tr>
<tr>
<td>Comment Period</td>
<td>Extended</td>
<td>68 FR 54885</td>
</tr>
<tr>
<td>Final Action</td>
<td>12/24/03</td>
<td>68 FR 74746</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses
546. 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 2004. The CPS fisheries regulations require that the annual specs for Pacific sardine be published in the Federal Register before January 1, the start of the fishing year.

Abstract: This rule announces the annual harvest guidelines for Pacific sardine in the exclusive economic zone off the Pacific coast. The CPS FMP and its implementing regulations require NMFS to establish an annual harvest guideline for Pacific sardine based on a formula in the FMP. This harvest guideline has been calculated according to the regulations implementing the Coastal Pelagic Species Fishery Management Plan (FMP) and establishes allowable harvest levels for Pacific sardine off the Pacific coast.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/03/03</td>
<td>68 FR 67638</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/17/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>02/25/04</td>
<td>69 FR 8572</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Yes
Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Svein Fougner, 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–AQ97

547. PORT CODES INTEGRATION IN TABLE 14

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 679
Legal Deadline: None

Abstract: Table 14 to 50 CFR part 679 presents codes for ports of landing in Alaska, Washington, Oregon, California, and the western coast of Canada. Two codes are given for most ports. A three-digit numerical code is used in the NMFS Alaska Region Individual Fishing Quota Program when reporting landings of Pacific halibut and sablefish. A three-digit alphabetic code is used when reporting groundfish landings on State of Alaska, Department of Fish and Game fish tickets and in the NMFS Alaska Region Shoreside Processor Electronic Logbook Report. This regulatory amendment will revise table 14 numerical port codes to remove ports that have not been reported on a frequent basis and to combine certain geographically close ports under one code.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/29/03</td>
<td>68 FR 44518</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>08/13/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>10/03/03</td>
<td>68 FR 57379</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Yes
Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Svein Fougner, 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–AQ96

548. REGULATORY AMENDMENT TO CHANGE REPORTING AREAS 620 AND 630

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 679
Legal Deadline: None

Abstract: The Alitak/Deadman Bay of Kodiak Island is one body of water basically enclosed by Kodiak Island but divided superficially into two reporting areas (areas 620 and 630) by 154 degrees W. longitude. This division of the bay into two separate reporting areas is impractical for quota management and enforcement purposes. Specifically, the mouth of the bay is totally contained in reporting area 620. Other sections of the bay are in area 630 that would logically be included in area 620. This actioncorrects this error by revising the descriptions of reporting areas 620 and 630 in figure 3 to part 679 to include
all of the Alitak/Deadman Bay of Kodiak Island into area 620.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>07/01/03</td>
<td>68 FR 39048</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>07/31/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>10/02/03</td>
<td>68 FR 56789</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis

Required: Yes
Small Entities Affected: Businesses
Government Levels Affected: Federal, State

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

RIN: 0648–AR11

549. WEAKFISH: INCREASE IN INCIDENTAL CATCH PER AMENDMENT 4

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 5101 et seq
CFR Citation: 50 CFR 697
Legal Deadline: None

Abstract: The National Marine Fisheries Service (NMFS) amends its regulations to modify management restrictions in the Federal weakfish fishery in a manner consistent with the recommendations made by the Atlantic States Marine Fisheries Commission in Amendment 4 of the Commission’s Interstate Fisheries Management Plan for the species. In short, the Federal regulatory change would increase the permitted non-directed incidental catch of the species from 150 pounds to 300 pounds per day or trip. Analysis of the best available data suggests that the proposed increase would not alter current fishing practices or effort, or increase the number of weakfish caught — the 150 pound increase simply converts 150 pounds of weakfish, which would be caught and discarded at sea dead regardless, into 150 pounds of weakfish caught and landed.

Accordingly, no significant impact is found and the environmental analysis that would support such a finding is set forth herein.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>08/25/03</td>
<td>68 FR 51147</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>09/24/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>02/10/04</td>
<td>69 FR 6198</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis

Required: No
Small Entities Affected: None
Government Levels Affected: None

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

RIN: 0648–AR13

550. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); BLUEFIN TUNA SEASON AND SIZE LIMIT ADJUSTMENTS

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq; 16 USC 971
CFR Citation: 50 CFR 635
Legal Deadline: None

Abstract: NMFS amends its regulations to change to start and end dates and size tolerances for certain commercial fishery sectors. Quota and fishing effort for these fisheries will remain within the bounds of previously established management programs. A recommendation from the International Commission for the Conservation of Atlantic Tunas providing additional quota for incidental longline BFT catches in certain areas is clarified.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>11/10/03</td>
<td>68 FR 63747</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>11/28/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/24/03</td>
<td>68 FR 74504</td>
</tr>
</tbody>
</table>

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–AR12

551. REGULATORY AMENDMENT TO correct effective dates for regulatory changes in 67 FR 79692 (DECEMBER 30, 2002)

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 679
Legal Deadline: None

Abstract: The EFFECTIVE DATES section of the preamble of 67 FR 79692 (December 30, 2002) inadvertently was written in such a way that all the regulatory revisions expire on December 31, 2007. NMFS’ intention was to have all of the regulatory revisions made as permanent changes except for section 679.50. Section 679.50 is to be effective through December 31, 2007. This proposed rule corrects the language of the EFFECTIVE DATES section of the preamble.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/24/03</td>
<td></td>
</tr>
</tbody>
</table>

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. 21668, Juneau, AK 99802
Phone: 907 586–7221
Fax: 907 586–7249

RIN: 0648–AR13

552. AMENDMENT 77 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 regulatory action would supersede Amendment 64, the
regulations for which are scheduled to expire on December 31, 2003. Amendment 77 continues to apportion the fixed gear allocation of total allowable catch (TAC) for Pacific cod in the Bering Sea among sectors of the fixed gear fleet (i.e., hook-and-line catcher vessels, catcher processors, pot vessels, and catcher vessels under 60 feet in length). Amendment 77 would for the first time split the pot sector, allocating the TAC further between pot catcher vessels and pot catcher/processors. Its implementing regulations would also change the provisions for unused portions of BSAI Pacific cod TAC allocated to the jig gear sector, which would be reallocated to catcher vessels under 60 feet in length on a seasonal basis.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM Comment</td>
<td>10/03/03</td>
<td>68 FR 52378</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>10/03/03</td>
<td>68 FR 52378</td>
</tr>
<tr>
<td>Final Action</td>
<td>01/13/04</td>
<td>69 FR 1951</td>
</tr>
</tbody>
</table>

### Regulatory Flexibility Analysis

**Required:** Yes  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** None

### 554. AMENDMENT 16-2 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 660  
**Abstract:** Amendment 16-2 to the Pacific Coast Groundfish Fishery Management Plan (FMP) would implement overfished species rebuilding plans for canary rockfish, darkblotched rockfish, lingcod, and Pacific ocean perch through a fishery management plan amendment and federal regulations. Amendment 16-2 is intended to ensure that Pacific Coast groundfish overfished species rebuilding plans meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in particular National Standard 1 on overfishing and section 304(e), which addresses rebuilding overfished fisheries. Amendment 16-2 is also intended to partially respond to a court order in Natural Resources Defense Council, Inc. et al., v. Donald Evans, Secretary of Commerce, et al., 168 F. Supp. 2d 1149 (N.D. Cal 2001) in which NMFS was ordered to implement Pacific Coast groundfish rebuilding plans as FMPs, FMP amendments, or regulations, per the Magnuson-Stevens Act. This action has been analyzed under the National Environmental Policy Act with an Environmental Impact Statement. NMFS has been implementing rebuilding measures for these species for several years and the agency does not consider this action significant.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>11/07/03</td>
<td>68 FR 63053</td>
</tr>
<tr>
<td>Comment Period End</td>
<td>01/06/04</td>
<td>68 FR 67998</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/05/03</td>
<td>68 FR 68564</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>01/06/04</td>
<td>68 FR 67998</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/13/04</td>
<td>69 FR 19247</td>
</tr>
</tbody>
</table>

### Regulatory Flexibility Analysis

**Required:** Yes  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** None

### 555. AMENDMENT 16–1 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 660  
**Abstract:** Amendment 16-1 to the Pacific Coast Groundfish Fishery Management Plan (FMP) would set the process and standards by which the Pacific Fishery Management Council (Council) will specify rebuilding plans for groundfish stocks declared overfished by the Secretary of Commerce. Amendment 16-1 is intended to ensure that Pacific Coast groundfish overfished species rebuilding plans meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in particular National Standard 1 on overfishing and section 304(e), which addresses rebuilding overfished fisheries. Amendment 16-1 is also intended to partially respond to a court order in Natural Resources Defense Council, Inc. et al., v. Donald Evans,
Secretary of Commerce, et al., 168 F. Supp. 2d 1149 (N.D. Cal 2001) in which NMFS was ordered to provide Pacific Coast groundfish rebuilding plans as FMPs, FMP amendments, or regulations, per the Magnuson-Stevens Act. Amendment 16-1 will be followed by Amendment 16-2, which will implement rebuilding plans for canary rockfish, darkblotched rockfish, lingcod, and Pacific ocean perch. This action has been analyzed under the National Environmental Policy Act with an Environmental Assessment. This action is primarily administrative in nature and NMFS does not consider the action significant.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>08/18/03</td>
<td>68 FR 49415</td>
</tr>
<tr>
<td>NPRM</td>
<td>09/05/03</td>
<td>68 FR 52732</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/06/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>02/26/04</td>
<td>69 FR 8861</td>
</tr>
</tbody>
</table>

**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 98115-0070

Phone: 206 526-6150

Fax: 206 526-6426

RIN: 0648-AR36

---

556. CONSIDERATION OF A CONTROL DATE FOR BOTTOMFISHING VESSELS IN THE EEZ AROUND GUAM AND COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** On June 13, 2003, the Western Pacific Fishery Management Council (Council) adopted a "control date" of June 13, 2003, as a notice to persons contemplating entering the fisheries for bottomfish species in the U.S. exclusive economic zone around Guam and the neighboring Commonwealth of the Northern Mariana Islands. This action would not impose any restrictions on the public, but is intended solely to notify persons interested in joining these fisheries after June 13 that they might be excluded if restrictions are adopted in the future under the Magnuson-Stevens Fishery Conservation and Management Act. Although the "control date" is a signal that the Council is likely to consider limiting entry to any or all of these bottomfish fisheries, neither the Council nor NMFS have made any decision yet. They might decide to limit entry to some or all of these fisheries or might decide to take no action at all.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>08/28/03</td>
<td>68 FR 51763</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>09/29/03</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

Required: No

**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: 808 973-2985

RIN: 0648-AR37

---

557. EMERGENCY RULE TO CLOSE THE FEDERAL TILEFISH FISHERY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would close the directed tilefish fishery based on projections that the overall quota of 1.995 million pounds has been reached. A recent court decision in Hadaja v. Evans (May 15, 2003), set aside the regulations found at 50 CFR 648(a)(12) which contain the Federal permitting requirements for the tilefish fishery, including the qualification criteria for the limited access permit system. As a result, there is currently no Federal permit requirement for a vessel that wishes to target tilefish in Federal waters. In addition, the quota system established for the tilefish fishery is divided among three limited access permit categories, which can be closed once the quota for a particular permit category is projected to be reached. Because there are technically no longer separate limited access permit categories as a result of the Court's decision, NMFS no longer has the authority to close the Federal tilefish fishery once the quota is projected to be reached since that authority was based on the limited access permit categories. As a result, NMFS is taking this emergency action under the authority of 16 USC 1824 section 305(c) to close the Federal tilefish fishery because the overall tilefish quota of 1.995 million pounds is projected to be reached prior to the end of the tilefish fishing year on October 31, 2003.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawn</td>
<td>04/19/04</td>
<td></td>
</tr>
</tbody>
</table>

**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-AR40

---

558. SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN; FRAMEWORK ADJUSTMENT 3

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** Framework 3 would implement process to allow unused commercial scup quota from the Winter I period to be rolled over to the quota for the Winter II period. Commercial possession limits for the Winter II period also would be adjusted, based on the amount rolled over. Framework 3 also would implement a mechanism, for years when the Winter I commercial scup quota is completely harvested and the Winter I fishery is closed prior to April 15, and upon a State's written request, to allow for commercial landings of scup by State-only permitted vessels in that State that occur from April 15 through April 30...
to be counted against that State’s summer quota allocation.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/24/03</td>
<td>68 55283</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>10/09/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>11/03/03</td>
<td>68 FR 62250</td>
</tr>
</tbody>
</table>

**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

---

### 560. FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA; REVISIONS TO OBSERVER PROGRAM IN THE NORTH PACIFIC GROUNDFISH FISHERIES; CORRECTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This action amends a December 30, 2002, final rule that implemented changes to regulations governing the American Fisheries Act (AFA). This final rule included revisions to the North Pacific Groundfish Observer Program (Observer Program). The action is necessary to correct an error in replacement text that occurred in the final rule.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>08/18/03</td>
<td>68 FR 49374</td>
</tr>
</tbody>
</table>

**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. 21668, Juneau, AK 99802 Phone: 907 586–7221 Fax: 907 586–7249

**Related RIN:** Related to 0648–AR43

| RIN: 0648–AR43 |

---

### 559. FRAMEWORK 4 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN (FMP)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** The action would extend the moratorium on entry to the Illex fishery. This extension is needed because the Illex moratorium program is set to expire in July of 2004.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>03/26/04</td>
<td>69 FR 15778</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>04/26/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>06/01/04</td>
<td>69 FR 30839</td>
</tr>
</tbody>
</table>

**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–AR44 |

---

### 561. ESTABLISH REFERENDUM PROCEDURES AND A VOTE WEIGHTING FORMULA FOR THE GULF OF MEXICO RED SNAPPER INDIVIDUAL FISHING QUOTA (IFQ) PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** Pursuant to the policies established by the Administrative Procedure Act, NMFS is amending its regulations to establish referendum procedures and a vote weighting formula for the Gulf of Mexico Red Snapper Individual Fishing Quota (IFQ) Program.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/08/04</td>
<td>69 FR 1380</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/09/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>03/09/04</td>
<td>69 FR 11064</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/30/04</td>
<td>69 FR 23667</td>
</tr>
<tr>
<td>Correction</td>
<td>05/05/04</td>
<td>69 FR 25013</td>
</tr>
<tr>
<td>Other/Correction</td>
<td>05/18/04</td>
<td>69 FR 28086</td>
</tr>
</tbody>
</table>

---

### 562. IMPLEMENT ELECTRONIC DEALER REPORTING AND ADJUSTMENTS TO VESSEL REPORTING REQUIREMENTS

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplicate of 0648-AR79</td>
<td>01/21/04</td>
<td></td>
</tr>
</tbody>
</table>

| RIN: 0648–AR49 |

---

### 563. PACIFIC COAST GROUNDFISH FISHERY; ANNOUNCEMENT OF THE 2004 GROUNDFISH FISHERY SPECIFICATIONS AND MANAGEMENT MEASURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This rulemaking will implement the 2004 annual specifications and management measures for the Pacific Coast Groundfish Fishery.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/08/04</td>
<td>69 FR 1380</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/09/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>03/09/04</td>
<td>69 FR 11064</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/30/04</td>
<td>69 FR 23667</td>
</tr>
<tr>
<td>Correction</td>
<td>05/05/04</td>
<td>69 FR 25013</td>
</tr>
<tr>
<td>Other/Correction</td>
<td>05/18/04</td>
<td>69 FR 28086</td>
</tr>
</tbody>
</table>
Regulatory Flexibility Analysis
Required: Yes
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations
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 98115–0070
Phone: 206 526–6150
Fax: 206 526–6426
RIN: 0648–AR54

564. ANNUAL SPECIFICATIONS FOR THE DEEP–SEA RED CRAB FISHERY FOR FISHING YEAR 2004
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 Deep-Sea Red Crab Fishery for fishing year 2004.
Timetable:
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/09/04</td>
<td>69 FR 1561</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>02/09/04</td>
<td>69 FR 3300</td>
</tr>
<tr>
<td>Final Action</td>
<td>03/04/04</td>
<td>69 FR 10174</td>
</tr>
</tbody>
</table>

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–AR62

566. • JANUARY–FEBRUARY 2004 MANAGEMENT MEASURES FOR THE PACIFIC COAST GROUNDFISH FISHERY
Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 660
Legal Deadline: None
Abstract: For January–February 2004, NMFS implements an emergency rule that will set management measures for the Pacific Coast groundfish fishery. Each year, under the Magnuson-Stevens Act, the Pacific Fishery Management Council evaluates overfished groundfish stocks. Commercial management measures include landing limits, size limits, gear restrictions, and time/area closures. Recreational management measures include bag limits, size limits, gear restrictions, and time/area closures. NMFS is continuing the depth-based management program that it introduced in 2003, which closes portions of the continental shelf to fishing for groundfish and to fishing for many non-groundfish species in fisheries in which groundfish are taken incidentally. These closures are intended to protect and rebuild overfished groundfish species.
Timetable:
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>Final Rule</td>
<td>01/08/04</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>Correction</td>
<td>01/28/04</td>
</tr>
</tbody>
</table>

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 98115–0070
Phone: 206 526–6150
Fax: 206 526–6426
RIN: 0648–AR68

567. • TECHNICAL AMENDMENT TO UPDATE AND CORRECT OMB CONTROL NUMBERS AND REGULATORY CITATIONS FOR NMFS INFORMATION COLLECTION REQUIREMENTS
Priority: Info./Admin./Other
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 902
Legal Deadline: None
Abstract: This action updates and corrects Office of Management and Budget control numbers and related regulatory citations for NMFS information collection requirements. The intent is to update and correct the NOAA inventory of control numbers so that the inventory reflects the valid OMB control number with its associated regulatory citation for each NMFS information collection requirement.
Timetable:
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action Correction</td>
<td>11/18/03</td>
<td>68 FR 64986</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
568. • AMENDMENT 17 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: None
Legal Deadline: None

Abstract: The Pribilof Islands blue king crab (Paralithodes platypus) stock was declared overfished according to the criteria in the BSAI King and Tanner Crab FMP on September 25, 2002. The recent stock assessment showed that the stock was below minimum stock size threshold (MSST) and there were no signs of recovery in the trawl survey data. Pursuant to MSA guidelines, once a stock has been declared overfished, a rebuilding plan must be developed within one year. Amendment 17 would implement a rebuilding plan for this stock in accordance with the Magnuson-Stevens Act.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>02/11/04</td>
<td>69 FR 6635</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>03/12/04</td>
<td>69 FR 6635</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/26/04</td>
<td>69 FR 22454</td>
</tr>
</tbody>
</table>

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–AR79

569. • REINSTATEMENT OF THE VESSEL PERMIT REQUIREMENTS FOR THE TILEFISH FISHERY AS ESTABLISHED UNDER THE TILEFISH 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 reinstate the vessel permit requirements contained in the Tilefish Fishe... 50 CFR 648.4(a)(12), were set aside in a Federal Court Order (Court Order) in Hadaja v. Evans (May 15, 2003) on the grounds that the limited entry criteria established in the FMP were arbitrary and capricious.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>02/11/04</td>
<td>69 FR 6635</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>03/12/04</td>
<td>69 FR 6635</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/26/04</td>
<td>69 FR 22454</td>
</tr>
</tbody>
</table>

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–AR75

570. • RULE TO IMPLEMENT ELECTRONIC REPORTING REQUIREMENTS FOR SEAFOOD DEALERS IN THE NORTHEAST

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 648
Legal Deadline: None

Abstract: This rule would implement changes to the NE fisheries regulations, to require that all federally permitted seafood dealers in the NE region report purchases of fish and shellfish from commercial fishing vessels by one of several electronic reporting mechanisms. This action would also change the regulations to require these seafood dealers to report electronically on a daily basis, to include a trip identifier for each transaction, and to include the disposition of all fish and shellfish purchased.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>02/20/04</td>
<td>69 FR 22454</td>
</tr>
<tr>
<td>Final Action</td>
<td>03/23/04</td>
<td>69 FR 13482</td>
</tr>
</tbody>
</table>

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–AR74

571. • ANNOUNCEMENT OF DEVELOPMENT OF AND ESTABLISHMENT OF CONTROL DATE FOR TRAWL INDIVIDUAL QUOTA PROGRAM IN THE PACIFIC COAST GROUNDFISH LIMITED ENTRY TRAWL 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 (Council) is considering implementation of a trawl individual quota (IQ) program for the Pacific Coast groundfish limited entry trawl fishery. At its November 2003 meeting, the Council voted to establish a control date of November 6, 2003 for the IQ program, which may include individual fishing quotas (IFQs) and individual processor quotas (IPQs). The trawl IQ program, if adopted, will include IFQ but may or may not include IPQ. NMFS does not have the statutory authority to implement an IPQ program for shore-based processors. However, the Pacific Council plans to analyze an IPQ program in order to meet its National Environmental Policy
Act obligations. The control date for the trawl IQ program is intended to discourage increased fishing or processing effort based on economic speculation while the Pacific Council develops and considers a trawl IQ program. The control date will announce to the public that the Pacific Council may decide not consider activities occurring after the control date toward determining a person’s qualification for an initial allocation or toward determining the initial allocation of quota shares. This action will also announce to the public that the Pacific Council is considering future rulemaking to implement a trawl IQ program.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>01/09/04</td>
<td>69 FR 1563</td>
</tr>
</tbody>
</table>

**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 98115-0070  
Phone: 206 526-6150  
Fax: 206 526-6426  
RIN: 0648-AR82

---

573. • TARGET TOTAL ALLOWABLE CATCH LEVELS (TACs), TRIP LIMITS AND DAYS-AT-SEA (DAS) ALLOCATIONS FOR THE MONKFISH FISHERY FOR THE 2004 FISHING YEAR

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 648  
**Legal Deadline:** Final, Judicial, April 2004

**Abstract:** This final rule establishes target monkfish TACs for the Northern and Southern Fishery Management Areas (NFMA and SFMA), and corresponding trip limits and DAS allocations for the SFMA. Framework Adjustment 2 to the Monkfish Fishery Management Plan, which became effective on May 1, 2003, established an annual target TAC setting method that is based upon the relationship between the 3-year running average of the National Marine Fisheries Service's fall trawl survey biomass index and established annual biomass index targets. According to this target TAC setting method, annual target TACs are set based on the ratio of the observed biomass index to the annual index target applied to the monkfish landings for the previous fishing year. The target TACs for the 2004 fishing year, based upon this method, will be 16,968 mt for the NFMA, and 6,772 mt for the SFMA. Because there is no monkfish trip limit in the NFMA, no further action for this area is required. However, the trip limits and DAS allocations for vessels fishing in the SFMA will be adjusted in this action to achieve the target TAC for that management area.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>01/28/04</td>
<td>69 FR 4098</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/27/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>04/02/04</td>
<td>69 FR 17329</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**  
**Required:** Yes  
**Small Entities Affected:** Businesses

---

574. • COMMERCIAL PENAEID SHRIMP FISHERY OF THE SOUTH ATLANTIC; ESTABLISHMENT OF NEW CONTROL DATE

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 622  
**Legal Deadline:** None

**Abstract:** In 2000, the South Atlantic Fishery Management Council (SAFMC) established a control date for the penaeid shrimp fishery in the exclusive economic zone of the South Atlantic region (South Atlantic EEZ). This action would establish a new control date effective December 10, 2003. The SAFMC anticipates that future action may be necessary to control effort and the number of participants engaged in the commercial penaeid shrimp fishery of the South Atlantic EEZ. Consideration of a control date does not commit the SAFMC or NMFS to any
particular management regime for entry into the commercial penaeid shrimp fishery. Fishermen are not guaranteed future participation in a fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The SAFMC subsequently may choose a different control date or they may choose a management regime that does not make use of a control date. The SAFMC also may choose to take no further action to control entry or access to the fisheries, in which case the control date may be rescinded.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>03/04/04</td>
<td>69 FR 10189</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** None

**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–AR91

---

**575. • EMERGENCY RULE TO IMPLEMENT MANAGEMENT MEASURES FOR THE 2004 ATLANTIC SEA SCALLOP FISHING YEAR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** The action would establish interim management measures for the 2004 fishing year for Atlantic sea scallops, to begin on March 1, 2004. In the absence of this action, DAS allocations would fall well below the level that would achieve fishing mortality goals of the scallop fishery management plan and may be too low to sustain vessel operation for many scallop vessel owners. In addition, measures in the emergency action would control harvest of a portion of the scallop resource in the Mid-Atlantic in order to preserve the benefits of similar fishery controls included in Amendment 10 to the scallop FMP. Although Amendment 10 is currently under Agency review, it projects that controls in the area are necessary for an additional 2 years.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>02/27/04</td>
<td>69 FR 9230</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** None

**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–AR98

---

**576. • 2004 HALIBUT MANAGEMENT MEASURES**

**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 rule will announce the 2004 Annual Management Measures for Pacific Halibut on behalf of the International Pacific Halibut Commission (IPHC). In addition to the 2004 annual management measures for Pacific halibut fisheries, this rule presents changes to theHalibut Catch Sharing Plan and to halibut sport fishing management.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>03/09/04</td>
<td>69 FR 10990</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** None

**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–AR95

---

**577. • REQUEST FOR RESEARCH PROPOSALS SUPPORTED UNDER A RESEARCH SET-ASIDE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** NMFS announces that for fishing year 2005 the Mid-Atlantic Fishery Management Council may set aside 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. The Research Set-Aside program provides a mechanism to fund research and compensate vessel owners through the sale of fish harvested under the research quota.

**Vessels participating in an approved research project may be authorized by the Northeast Regional Administrator, NMFS, to harvest and to land species in excess of any imposed trip limit or during fishery closures. Funds from such trips would be sold to generate funds that would help defray the costs associated with research projects. No Federal funds would be provided for research under this notification. NMFS is soliciting proposals for research activities concerning the summer flounder, scup, black sea bass, Loligo squid, Illex squid, Atlantic mackerel, butterfish, bluefish, and tilefish fisheries.

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>03/09/04</td>
<td>69 FR 10990</td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** None

**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–AR95
578. LISTING ENDANGERED AND THREATENED WILDLIFE AND DESIGNATING CRITICAL HABITAT; 12–MONTH FINDING

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1361 et seq
CFR Citation: 50 CFR 222
Legal Deadline: None
Abstract: The National Marine Fisheries Service (NMFS) and the Fish and Wildlife Service (FWS) (the Services), announce the 90-day finding for a petition to reclassify the Northern and Florida Panhandle nesting subpopulations of the loggerhead (Caretta caretta) sea turtle from threatened to endangered and designate critical habitat under the Endangered Species Act (ESA). The Services find that the petition to reclassify presents substantial scientific information indicating that the petitioned action may be warranted. The Services find that the petition to designate critical habitat did not provide substantial scientific information to warrant further review. The Services will conduct a status review of the loggerhead turtle to determine whether the petitioned action is warranted. To ensure a comprehensive review, the Services are soliciting information and comments pertaining to this species from any interested party.

Timetable:

Action | Date | FR Cite
--- | --- | ---
NPRM | 06/04/02 | 67 FR 38459
NPRM Comment | 08/05/02 | 
Period End | 
Final Action | 09/15/03 | 68 FR 53947

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Therese Conant, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, Silver Spring, MD 20910
Phone: 301 713–1431
Fax: 301 713–0376
RIN: 0648–AQ13

CFR Citation: 50 CFR 222; 50 CFR 223
Legal Deadline: None
Abstract: The National Marine Fisheries Service (NMFS) proposes to prohibit drift gillnet fishing in U.S. ocean waters off of southern California south of Point Conception (34 degrees 27 minutes N) and west to 120 degrees W longitude from August 15 to August 31, and from January 1 to January 31, during El Nino events.

Timetable:

Action | Date | FR Cite
--- | --- | ---
NPRM | 09/20/02 | 67 FR 59243
NPRM Comment | 10/21/02 | 
Period End | 
Interim Final Rule | 12/24/02 | 67 FR 78388
Interim Final Rule | 02/07/03 | 
Comment Period | 
Comment Period | 02/12/03 | 68 FR 7080
Extended | 
Final Action | 12/16/03 | 68 FR 69962

Regulatory Flexibility Analysis
Required: Yes
Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Phil Williams, Chief, Endangered Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–1401
Fax: 301 713–0376
RIN: 0648–AR05

580. JOINT COUNTERPART REGULATIONS WITH FS, BLM, BIA, FWS, NPS, AND NOAA FISHERIES UNDER SECTION 7 OF THE ESA

Priority: Other Significant
Legal Authority: 16 USC 1533
CFR Citation: 50 CFR 402
Legal Deadline: None
Abstract: This action will modify the way section 7 consultations are conducted under the Endangered Species Act. This modification will apply to activities that support the National Fire Plan (NFP) and would eliminate the need to obtain written concurrence when an action agency determines that an action that implements the NFP is not likely to adversely affect a listed species.

Timetable:

Action | Date | FR Cite
--- | --- | ---
NPRM | 01/22/03 | 
NPRM Comment | 06/03/04 | 69 FR 31321
Period End | 
Final Action | 06/03/04 | 69 FR 31321

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
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

579. TAKING OF THREATENED OR ENDANGERED SPECIES INCIDENTAL TO COMMERCIAL FISHING OPERATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1361 et seq
582. IMPLEMENT A PROHIBITION ON SHALLOW STYLE LONGLINE SETS

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1531 et seq
CFR Citation: 50 CFR 223
Legal Deadline: None

Abstract: This rulemaking would implement a prohibition on shallow style longline sets of the type normally used to target swordfish in the West Coast longline fishery to protect sea turtles.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/17/03</td>
<td>68 FR 70219</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/16/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>03/11/04</td>
<td>69 FR 11540</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Yes
Small Entities Affected: Businesses

Government Levels Affected: State
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–AR14

583. PROTECT ENDANGERED AND THREATENED SEA TURTLES; RESTRICTIONS TO VIRGINIA POUND NET FISHERY

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701
CFR Citation: 50 CFR 223
Legal Deadline: None

Abstract: This regulatory action involves prohibiting the use of all pound net leaders in the Virginia waters of the mainstem Chesapeake Bay south of 37 19.0 and west of 76 13.0, and all waters south of 37 13.0 to the COLREGS line at the mouth of the Chesapeake Bay, and portions of the James and York Rivers downstream of the first bridge in each tributary.

Additionally, the rule includes a restriction of all leaders with stretched mesh greater than or equal to 8 inches and leaders with stringers in the Virginia waters of the Chesapeake Bay outside the aforementioned closed area, extending to the Maryland-Virginia State line and the Rappahannock River downstream of the first bridge. These measures would be in effect from May 6 to July 15 each year. The purpose of this action is to help protect threatened and endangered sea turtles.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/17/03</td>
<td>68 FR 70219</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/16/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td>02/06/04</td>
<td>69 FR 5810</td>
</tr>
<tr>
<td>Final Action</td>
<td>02/06/04</td>
<td>69 FR 5720</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: Yes
Small Entities Affected: Businesses

Government Levels Affected: State
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–AR14

584. TAKING OF MARINE MAMMALS INCIDENTAL TO SPACE VEHICLE AND TEST FLIGHT ACTIVITIES

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 137(a)(5)(A)
CFR Citation: 50 CFR 216
Legal Deadline: None

Abstract: The National Marine Fisheries Service has received an application from the U.S. Air Force, 30th Space Wing, for regulations under section 101(a)(5)(A) of the MMPA to take non-endangered seals and sea lions incidental to rocket and missiles launches from Vandenberg Air Force Base and in waters off southern California. The U.S. Air Force will launch up to 30 rockets and missiles from Vandenberg Air Force Base each year over the 5-year authorization period.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/17/03</td>
<td>68 FR 67629</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>12/18/03</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td>02/06/04</td>
<td>69 FR 5720</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

585. AUTHORIZATION FOR COMMERCIAL FISHERIES; CORRECTION

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1361 et seq
CFR Citation: 50 CFR 216; 50 CFR 229
Legal Deadline: None

Abstract: The purpose of this document is to correct unintended errors in the Code of Federal Regulations.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>03/02/04</td>
<td>69 FR 9759</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis
Required: No

586. CERTIFICATION OF THE USE OF LONG–FLAP DOUBLE–COVER FLAP TED IN THE SOUTHEAST UNITED STATES UNDER SEA TURTLE CONSERVATION REGULATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701
CFR Citation: 50 CFR 223
Legal Deadline: None

Abstract: NMFS is amending the turtle exclusion device (TED) regulations that require most shrimp trawlers to use TEDs in the southeastern Atlantic and the Gulf of Mexico, to reduce the

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>03/02/04</td>
<td>69 FR 9759</td>
</tr>
</tbody>
</table>
incidental capture of endangered and threatened sea turtles during shrimp trawling. Specifically, NMFS proposes to allow the use of a double cover flap TED with a modified flap design. This modification would allow the use of a flap that can be between 6 inches (15 cm) but no more than 24 inches (61 cm) past the posterior edge of the TED frame. This modification has been tested and is capable of releasing large loggerhead and green turtles as well as leatherback turtles. The purpose of this rule is to allow shrimp fishermen an additional option for complying with the TED regulations that also protects large sea turtles from mortality related to shrimp trawling.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/16/04</td>
<td>69 FR 20571</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>05/03/04</td>
<td></td>
</tr>
<tr>
<td>Period End</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>06/02/04</td>
<td>69 FR 31035</td>
</tr>
</tbody>
</table>

#### Proposed Rule Stage

**587. 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(6)(2)(A)

**CFR Citation:** 37 CFR 2.10; 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 appeals and contested cases to clarify rules of practice before the Board of Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202

**Agency Contact:** James David Sams, Chief Administrative Trademark Judge, Department of Commerce, Patent and Trademark Office, ST–9A03, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202

**Phone:** 703 308–9300

**Fax:** 703 308–9092

**Email:** david.sams@uspto.gov

**RIN:** 0651–AB56

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** None

**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–AS02

### Final Rule Stage

#### Department of Commerce (DOC)

**Patent and Trademark Office (PTO)**

**589. RULES OF PRACTICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2; 35 USC 3; 35 USC 6; 35 USC 10; 35 USC 22; 35 USC 23; 35 USC 25; 35 USC 32; 35 USC 41; 35 USC 135; ...

**CFR Citation:** 37 CFR 1; 37 CFR 41; ...

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office promulgates new rules of practice before the Board of Patent Appeals and Interferences in appeals and contested cases to clarify the rules and to simplify proceedings.
590. 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 proposed in this notice 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.

591. CHANGES IN REQUIREMENTS FOR AMENDMENT AND CORRECTION OF TRADEMARK REGISTRATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 15 USC 1123; 35 USC 2
CFR Citation: 37 CFR 2.173; 37 CFR 2.174; 37 CFR 2.175
Legal Deadline: None

Abstract: The United States Patent and Trademark Office amends its rules to: (1) eliminate the requirement that a request for amendment or correction of a registration be accompanied by the original certificate of registration or a certified copy thereof; and (2) add a requirement that a request for correction of a mistake in a registration be filed within one year of the date of registration.
submit payments to replenish their deposit accounts by electronic funds transfer through the Federal Reserve Fedwire System or over the Office's Internet Web site (www.uspto.gov), and by check or money order sent through the mail. The Office will continue to accept credit cards as payment for all other fees.

### Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Action</td>
<td>07/00/04</td>
<td></td>
</tr>
</tbody>
</table>

### Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:**

Matthew Lee, Director, Accounting Division, Department of Commerce, Patent and Trademark Office, 2011 Crystal Drive, Arlington, VA 22202

Phone: 703 308–9649

RIN: 0651–AB74

---

### Department of Commerce (DOC)

**Patent and Trademark Office (PTO)**

#### 594. CHANGES TO IMPLEMENT PATENT–RELATED PROVISIONS OF THE UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2003

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 1

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/12/03</td>
<td>68 FR 66648</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/12/04</td>
<td>68 FR 67401</td>
</tr>
<tr>
<td>Notice</td>
<td>03/03/04</td>
<td>69 FR 9986</td>
</tr>
<tr>
<td>Comment Period End</td>
<td>06/11/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:**

Robert W. Bahr

Phone: 703 305–8850

Fax: 703 305–6916

Email: robert.bahr@uspto.gov

RIN: 0651–AB54

---

#### 595. CHANGES TO REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 1; 37 CFR 2; 37 CFR 10; 37 CFR 11

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/12/03</td>
<td>68 FR 66648</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>02/12/04</td>
<td>68 FR 67401</td>
</tr>
<tr>
<td>Notice</td>
<td>03/03/04</td>
<td>69 FR 9986</td>
</tr>
<tr>
<td>Comment Period End</td>
<td>06/11/04</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:**

Harry I. Moatz

Phone: 703 306–4097

**Related RIN:** Related to 0651–AB38

RIN: 0651–AB55

---

#### 596. REVISION OF UNITED STATES PATENT AND TRADEMARK OFFICE PRACTICE FOR HANDLING PATENT APPLICATIONS FILED WITHOUT THE APPROPRIATE FEES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 1

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>To Be Determined</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:**

Robert W. Bahr

Phone: 703 305–8850

Fax: 703 305–6916

Email: robert.bahr@uspto.gov

RIN: 0651–AB54

---

#### 597. PROCESSING FEE FOR USE OF PAPER FORMS FOR SUBMISSION OF APPLICATIONS FOR REGISTRATION AND OTHER DOCUMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1113; 37 USC 9701

**CFR Citation:** 37 CFR 2.6(a)

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office seeks to amend its rules to require a $50.00 paper processing fee when a party submits a paper instead of an electronically transmittable form available through the Trademark Electronic Application System (TEAS).

**Timetable:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/12/02</td>
<td>67 FR 35081</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>04/20/04</td>
<td></td>
</tr>
</tbody>
</table>

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Craig Morris, Department of Commerce, Patent and Trademark Office, Office of the Commissioner of Trademarks, Washington, DC 20231

Phone: 703 308–3910

**Related RIN:** Related to 0651–AB47

RIN: 0651–AB52

---

#### 598. CHANGES TO IMPLEMENT THE 2002 INTER PARTES REEXAMINATION AND OTHER TECHNICAL AMENDMENTS TO THE PATENT STATUTE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2(b)(2); PL 107–273

**CFR Citation:** 37 CFR 1

**Legal Deadline:** None
Abstract: The 21st Century Department of Justice Appropriations Authorization Act contains a title relating to intellectual property. The patent-related provisions in the intellectual property title of the 21st Century Department of Justice Appropriations Authorization Act include provisions permitting a third party requester in an inter partes reexamination proceeding to appeal a final decision by the Board of Patent Appeals and Interferences to the U.S. Court of Appeals for the Federal Circuit, and to participate in the patent owner’s appeal of a final decision by the Board of Patent Appeals and Interferences to the U.S. Court of Appeals for the Federal Circuit. Also included are technical amendments to statutory provisions directed to inter partes reexamination, eighteen-month publication of patent applications and provisional rights, and issuance of patent cases that relate to the United States Patent and Trademark Office (Office) is in this action changing the rules of practice to implement the patent-related provisions of the 21st Century Department of Justice Appropriations Authorization Act, and other miscellaneous changes related to appeals in reexamination proceedings.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>04/28/03</td>
<td>68 FR 22343</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>06/27/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>12/22/03</td>
<td>68 FR 70996</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>01/21/04</td>
<td></td>
</tr>
</tbody>
</table>

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: 703 305–8850
Fax: 703 305–6916
Email: robert.bahr@uspto.gov

RIN: 0651–AB57

599. REVISION OF SEARCH AND PRELIMINARY EXAMINATION FEES FOR INTERNATIONAL APPLICATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 35 USC 2(b)(2); 35 USC 376; …
CFR Citation: 37 CFR 1
Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) adjusts the international search and international preliminary examination fees for international applications filed under the Patent Cooperation Treaty (PCT). The Office is planning to outsource the international search under PCT chapter I for international applications. The Office adjusts the international search and international preliminary examination fees to more closely reflect the estimated cost of obtaining a PCT chapter I search and conducting the international preliminary examination under the new process. The Office is also implementing miscellaneous changes to the rules of practice in patent cases that relate to the United States Patent and Trademark Fee Modernization Act of 2003.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>05/30/03</td>
<td>68 FR 32441</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>06/30/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>10/20/03</td>
<td>68 FR 59881</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>01/01/04</td>
<td></td>
</tr>
</tbody>
</table>

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: 703 305–8850
Fax: 703 305–6916
Email: robert.bahr@uspto.gov

RIN: 0651–AB54

RIN: 0651–AB61

600. CHANGES RELATED TO ASSIGNMENTS OF PATENTS AND TRADEMARKS

Priority: Substantive, Nonsignificant
Legal Authority: 15 USC 1123; 35 USC 2(b)(2); …
CFR Citation: 37 CFR 1; 37 CFR 3; …
Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) is revising the rules of practice to allow for more efficient processing of powers of attorney and assignment documents within the Office. For example, the Office will require applicants to use the Office’s Customer Number practice if more than ten registered patent practitioners are to be made of record. In addition, the Office is eliminating some mail stops (i.e., CPA, Provisional Patent Application) that were found not to be useful in routing correspondence within the Office, and creating a new mail stop (Licensing and Review) to assist the Office in the proper routing of national security classified and secrecy order papers. Finally, because the Office is discontinuing the current Office practice of returning patent and trademark assignment documents submitted by mail for recording in the assignment database, only copies of assignment documents may be submitted for recording in the Office’s Assignment records.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>06/27/03</td>
<td>68 FR 38258</td>
</tr>
<tr>
<td>NPRM Comment Period End</td>
<td>08/26/03</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>05/26/04</td>
<td>69 FR 29865</td>
</tr>
<tr>
<td>Final Action Effective</td>
<td>06/25/04</td>
<td></td>
</tr>
</tbody>
</table>

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: 703 305–8850
Fax: 703 305–6916
Email: robert.bahr@uspto.gov

RIN: 0651–AB63
601. REVOLUTION OF PATENT TERM EXTENSION AND PATENT TERM ADJUSTMENT PROVISIONS RELATED TO DECISIONS BY THE BOARD OF PATENT APPEALS AND INTERFERENCES

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2); 35 USC 154

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The patent term extension provisions of the Uruguay Round Agreements Act (URAA) and the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) each provide for the possibility of patent term extension or adjustment if the issuance of the patent was delayed due to review by the Board of Patent Appeals and Interferences (BPAI) or by a Federal court and the patent was issued pursuant to or under a decision in the review reversing an adverse determination of patentability. The United States Patent and Trademark Office (Office) is revising the rules of practice in patent cases to indicate that under certain circumstances a remand by the Board of Patent Appeals and Interferences shall be considered a decision in the review reversing of an adverse determination of patentability for purposes of patent term extension or patent term adjustment.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>12/04/03</td>
<td>68 FR 67818</td>
</tr>
<tr>
<td>NPRM Comment</td>
<td>01/05/04</td>
<td></td>
</tr>
</tbody>
</table>

Department of Commerce (DOC) Proposed Rule Stage

Technology Administration (TA)

602. 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 to 35 USC 207 and 209 by Public Law 106-404 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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/00/04</td>
<td></td>
</tr>
</tbody>
</table>

Department of Commerce (DOC) Final Rule Stage

Technology Administration (TA)

603. 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 rule is issued to authorize the electronic reporting of inventions and the filing of provisional patent applications.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>09/13/95</td>
<td>60 FR 41811</td>
</tr>
</tbody>
</table>

604. 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. We are evaluating the comments received on the interim final
rule and will be making minor changes to the regulation.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Final Rule</td>
<td>08/07/96</td>
<td>61 FR 40997</td>
</tr>
<tr>
<td>Interim Final Rule Effective</td>
<td>08/07/96</td>
<td></td>
</tr>
<tr>
<td>Final Action</td>
<td>01/00/05</td>
<td></td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: John H. Raubitschek, Patent Counsel, Department of Commerce, Technology Administration, HCHB Room 4613, 14th & Pennsylvania Avenue, NW., HCHB Room 4835, Washington, DC 20230

Phone: 202 482–8010
Fax: 202 273–0607
Email: jraubits@doc.gov

RIN: 0692–AA15

605. AMENDMENT TO 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: NPRM, Statutory, June 30, 2000, To provide for an exception for support contractors.

Abstract: This action would require certain support contractors to license their rights if they make an invention under a Cooperative Research and Development Agreement.

Timetable:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPRM</td>
<td>09/11/00</td>
<td>65 FR 54826</td>
</tr>
<tr>
<td>Final Action</td>
<td>04/02/04</td>
<td>69 FR 17299</td>
</tr>
</tbody>
</table>

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: John H. Raubitschek, Patent Counsel, Department of Commerce, Technology Administration, HCHB Room 4613, 14th & Pennsylvania Avenue, NW., HCHB Room 4835, Washington, DC 20230

Phone: 202 482–8010
Fax: 202 273–0607
Email: jraubits@doc.gov

RIN: 0692–AA18

[FR Doc. 04–11493 Filed 06–25–04; 8:45 am]