



# Federal Register

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**Monday,  
June 28, 2004**

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**Part IV**

**Department of  
Commerce**

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**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

Sequence Number	Title	Regulation Identifier Number
290	BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Un-affiliated Foreign Persons .....	0691-AA51
291	Benchmark Survey of U.S. Direct Investment Abroad - 2004 .....	0691-AA52

## DOC

## Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
292	International Services Surveys: BE-9, Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States .....	0691-AA55

## Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
293	Annual Survey of Foreign Direct Investment in the United States .....	0691-AA48
294	Quarterly Surveys of International Trade in Services Between U.S. and Foreign Persons .....	0691-AA49
295	International Services Surveys: BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons .....	0691-AA50
296	International Services Surveys: BE-45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies With Foreign Persons .....	0691-AA53
297	International Services Surveys: BE-25, Quarterly Survey of Transactions With Unaffiliated Foreign Persons in Selected Services and in Intangible Assets .....	0691-AA54

## Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
298	Full Mandatory Automated Export System (AES) Filing for Export Shipments .....	0607-AA38
299	Amendments to Age Search Fee Structure .....	0607-AA41

## Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
300	Cutoff Dates for Recognition of Boundary Changes for Census 2000 and for the Intercensal Period .....	0607-AA35

## Bureau of the Census—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
301	Establishment of the 2010 Census Redistricting Program .....	0607-AA42

## Bureau of the Census—Completed Actions

Sequence Number	Title	Regulation Identifier Number
302	Annual Trade Survey .....	0607-AA40

## Economic Development Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
303	Economic Development Administration Regulations .....	0610-AA63

## DOC

## General Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
304	Federal Policy for the Protection of Human Subjects, Technical Amendments .....	0605-AA17

## International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
305	Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders .....	0625-AA51

## International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
306	Import of Certain Worsted Wool Fabric: Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000 .....	0625-AA58
307	Commercial Availability of Fabric and Yarn .....	0625-AA59
308	Steel Import Licensing and Surge Monitoring .....	0625-AA64

## International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
309	Changes in the Insular Possessions Watch, Watch Movement, and Jewelry Program .....	0625-AA63

## Bureau of Industry and Security—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
310	License Exception APR for Reexports To, From, and Among Countries in Country Group A:1 .....	0694-AC69

## Bureau of Industry and Security—Proposed Rule Stage

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

## Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
316	Exports and Reexports to Sudan .....	0694-AC05
317	Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications via BIS's Simplified Network Application Process (SNAP) .....	0694-AC20

## DOC

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

Sequence Number	Title	Regulation Identifier Number
318	License Exception AVS: Cuba, Libya, and Serbia .....	0694-AC33
319	License Application Denial Policy, "Red Flag" Indicators of Possible Inappropriate End-Use, End-User, or Destination .....	0694-AC68
320	Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the United States Munitions List .....	0694-AC74
321	Revisions of Energetic Material Export Licensing Jurisdiction Based on Review of the United States Munitions List .....	0694-AC75
322	Export and Reexport Controls on Iraq .....	0694-AC84
323	Clarification of Export Controls on Parts for Military Vehicles .....	0694-AC91
324	Revisions to the Export Administration Regulations: Missile Technology Production Equipment and Facilities Controlled Under ECCNs 9B115 and 9B116 .....	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. ....	0694-AC98
326	Microprocessor Technology Eligible for Export or Reexport Under License Exception .....	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 .....	0694-AD04
328	Revision of Licensees' Responsibility To Communicate License Conditions .....	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 .....	0694-AD06
330	Clarification of "Space-Qualified" Parts, Components, and Technology Subject to the Export Administration Regulations .....	0694-AD07
331	Revisions and Clarifications to the Export Administration Regulations .....	0694-AD08
332	Implementation of the Wassenaar Arrangement Statement of Understanding on the Control of Non-Listed Dual-Use Items .....	0694-AD10
333	Revisions to Export Administration Regulations as a Result of Membership Expansion of North Atlantic Treaty Organization (NATO) .....	0694-AD11
334	Entity List: Removal of Four Russian Entities .....	0694-AD12
335	India: Removal of Indian Entity and Revision in License Review Policy for Certain Indian Entities and a Clarification .....	0694-AD13
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" .....	0694-AD15
337	Revision of Export Control Classification Number (ECCN) 2B351 To Conform With the Australia Group (AG) "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology" .....	0694-AD16
338	Revision of Export and Reexport Restrictions on Cuba .....	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 .....	0694-AD18
340	Encryption Export and Reexport Controls Revisions .....	0694-AD19

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

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

## DOC

## Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identifier Number
352	Administration of State Log Exports Ban .....	0694-AB25
353	Revisions and Clarifications to the Export Administration Regulations (EAR) .....	0694-AC24
354	Crime Control Items: Revisions to the Commerce Control List .....	0694-AC31
355	Elimination of "National Security" as a Reason for Control for Certain Items on the Commerce Control List .....	0694-AC54
356	Computer Technology and Software Eligible for Export or Reexport Under License Exception TSR .....	0694-AC63
357	Protective Equipment Export License Jurisdiction .....	0694-AC64
358	Revisions to the Export Administration Regulations Based on the 2002 Missile Technology Control Regime Plenary Agreements .....	0694-AC76
359	Addition of East Timor, Netherlands Antilles, and Aruba to the Export Administration Regulations .....	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 .....	0694-AC85
361	Lifting of UN Sanctions Against UNITA .....	0694-AC86
362	Amendment to the Export Administration Regulations: Revision to Export Control Classification Number 1C355 .....	0694-AC87
363	Revisions and Clarifications to the Export Administration Regulations — Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention; Correction .....	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 .....	0694-AC89
365	Addition of Kazakhstan to the Nuclear Suppliers Group (NSG), and Other Revisions .....	0694-AC90
366	Export Administration Regulations: Penalty Guidance in the Settlement of Administrative Enforcement Cases .....	0694-AC92
367	Computer and Microprocessor Technology and Software Eligible for Export or Reexport Under License Exception .....	0694-AC95
368	Implementation of Australia Group 2003 Decisions on Animal Pathogens .....	0694-AC96
369	Chemical Weapons Convention Regulations: Electronic Submission of Declarations and Reports Under the Web Data Entry System for Industry (Web-DESI) .....	0694-AC97
370	General Order Implementing Syria Accountability and Lebanese Sovereignty Act of 2003 .....	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 .....	0694-AD00
372	Revisions to the Export Administration Regulations Based on the 2003 Missile Technology Control Regime Plenary Agreements .....	0694-AD01
373	Licensing Jurisdiction for QRS11 Micromachined Angular Rate Sensors .....	0694-AD03
374	Revision of Export and Reexport Restrictions on Libya .....	0694-AD14

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

Sequence Number	Title	Regulation Identifier Number
375	Procedures for Implementation of the National Construction Safety Team Act .....	0693-AB53

## National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
376	Right Whale Ship Strike Reduction .....	0648-AS36

## National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
377	Adjustment of Management Program: Bottomfish Fisheries in the Hawaiian Islands .....	0648-AK82
378	Amendment 12 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region .....	0648-AL67
379	Fishery Management Plan for Calico Scallop Fishery in the South Atlantic Region (FMP) .....	0648-AL78
380	Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region .....	0648-AM98
381	Amendment 18 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico .....	0648-AN09

## DOC

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

Sequence Number	Title	Regulation Identifier Number
382	Amendment 9 to the Fishery Management Plan Amendment for the Pelagic Fisheries of the Western Pacific Region .....	0648-AN76
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) .....	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 .....	0648-AP02
385	Revision of American Lobster Regulations for the EEZ .....	0648-AP18
386	Regulatory Amendment To Implement Permit Stacking in the Limited-Entry Fixed-Gear Sablefish Fishery in 2002 and Beyond .....	0648-AP38
387	Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean .....	0648-AP51
388	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9 .....	0648-AP60
389	Implementation of the Regulatory Changes Resulting From the Amendments and Extension of the South Pacific Tuna Act .....	0648-AP61
390	Amendment 71A to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area .....	0648-AP67
391	Regulatory Amendment to Section 679 Permits or Permit-Related Issues .....	0648-AQ07
392	Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs .....	0648-AQ20
393	Amendment 2 to Monkfish Fishery Management Plan .....	0648-AQ25
394	Fisheries of the United States; National Standard 1 .....	0648-AQ63
395	Amendment 1 to the Spiny Dogfish Fishery Management Plan .....	0648-AQ86
396	Amendment 1 to the Atlantic Herring Fishery Management Plan .....	0648-AQ87
397	Adjustment of Management Program to Conserve Sea Turtles in the Pelagic Fisheries in the Western Pacific Region .....	0648-AQ91
398	Amendment 11 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (American Samoa Limited Access Program) .....	0648-AQ92
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 .....	0648-AR06
400	Regulatory Rulemaking To Revise Accounting for Externally Tagged Halibut .....	0648-AR09
401	Catcher Vessel Electronic Report .....	0648-AR30
402	Amendment 13B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ..	0648-AR38
403	Framework 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery .....	0648-AR50
404	Annual Specifications for Fishing Year 2005 for the Summer Flounder, Scup, and Black Sea Bass Fishery .....	0648-AR51
405	Annual Specifications for the Surf Clam and Ocean Quahog Fishery for Fishing Year 2005 .....	0648-AR52
406	Framework 16 to the Atlantic Sea Scallop Fishery Management Plan and Framework Adjustment 39 to the Northeast Multispecies Fishery Management Plan .....	0648-AR55
407	Annual Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery for Fishing Year 2005 .....	0648-AR56
408	Annual Specifications for the Atlantic Bluefish Fishery for Fishing Year 2005 .....	0648-AR57
409	Annual Specifications for the Deep-Sea Red Crab Fishery for Fishing Year 2005 .....	0648-AR59
410	Atlantic Highly Migratory Species (HMS); Amendment 2 to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks .....	0648-AR60
411	Atlantic Highly Migratory Species (HMS); Amendment 2 to the Atlantic Billfish Fishery Management Plan .....	0648-AR61
412	Amendment 10 to the Pacific Coast Groundfish Fishery Management Plan .....	0648-AR63
413	Amendment 8 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region .....	0648-AR65
414	Regulatory Amendment to Add and Revise Certain Species Codes in 50 CFR 679 .....	0648-AR67
415	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska .....	0648-AR72
416	Consideration of Revision to Essential Fish Habitat (EFH) Guidelines (50 CFR Part 600) .....	0648-AR76
417	Amendment 48 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands and Gulf of Alaska .....	0648-AR77
418	Revisions To Revise the Definitions of Exempted Fishing and Scientific Research .....	0648-AR78
419	Extend the Moratorium on Harvesting Seamount Groundfish Resources in the Western Pacific Region .....	0648-AR85
420	Atlantic Highly Migratory Species (HMS); 2004 Bluefin Tuna Quota Specifications and General Category Effort Controls .....	0648-AR86
421	Halibut Subsistence II .....	0648-AR88
422	Gear Identification Markings on Buoys .....	0648-AR90
423	Individual Fishing Quota for Guided Recreational Charter Halibut Fishery .....	0648-AR96
424	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel .....	0648-AR97
425	CDQ Transfer, Eligible Vessels, and Fishing Plan Regulations .....	0648-AS00

## DOC

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

Sequence Number	Title	Regulation Identifier Number
426	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations .....	0648-AS01
427	Atlantic Highly Migratory Species; Vessel Monitoring System (VMS) Requirement Effective Date for Atlantic Shark Fisheries .....	0648-AS07
428	Atlantic Highly Migratory Species; Atlantic Shark Commercial Management Measures .....	0648-AS08
429	Fish and Seafood Promotion Act .....	0648-AS09
430	Revised Definition of Alaska Local Time .....	0648-AS11
431	Individual Fishing Quota Departure Report .....	0648-AS12
432	Community Development Quota Regulatory Amendment To Modify Several Fishery Management Elements of the CDQ Program .....	0648-AS13
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 .....	0648-AS14
434	Amendment 13 to Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters .....	0648-AS15
435	Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region .....	0648-AS16
436	Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine .....	0648-AS17
437	Eastern Pacific Tuna Controls .....	0648-AS18
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 .....	0648-AS19
439	Annual Recreational Specifications for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2005 .....	0648-AS21
440	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery .....	0648-AS22
441	Specifications for the 2005 Fishing Year for the Atlantic Herring Fishery .....	0648-AS23
442	Specifications for the Spiny Dogfish Fishery for Fishing Year 2005 .....	0648-AS24
443	Amendment 16-3 to the Pacific Coast Groundfish Fishery Management Plan .....	0648-AS26
444	Pacific Coast Groundfish Fishery; Announcement of 2005-2006 Groundfish .....	0648-AS27
445	Regulatory Amendment Governing the Use of Electronic Logbook Forms in Western Pacific Fisheries .....	0648-AS29
446	Adjustment of Management Program To Protect Seabirds in Pelagic Fisheries of the Western Pacific Region .....	0648-AS30
447	Amendment 6 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region .....	0648-AS31
448	Framework 40B to the Northeast Multispecies Fishery Management Plan .....	0648-AS33
449	Framework 40A to the Northeast Multispecies Fishery Management Plan .....	0648-AS34
450	Framework 1 to the Red Crab Fishery Management Plan .....	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 .....	0648-AS38
452	Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean .....	0648-AS39
453	Gulf of Alaska Steller Sea Lion Protection Measures Revisions .....	0648-AS41
454	Amend Regulations Governing the Taking and Importing of Marine Mammals .....	0648-AH83
455	North Atlantic Whale Protection .....	0648-AM85
456	Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild .....	0648-AN43
457	Endangered and Threatened Species: Permit Exemptions .....	0648-AO37
458	Captive Steller Sea Lions .....	0648-AO61
459	Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska .....	0648-AP62
460	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Conducting Oil and Gas Exploration Activities in the Gulf of Mexico .....	0648-AQ71
461	Designate Critical Habitat; Withdraw Previous Designations .....	0648-AQ77
462	Regulations Implementing the Bottlenose Dolphin Take Reduction Plan .....	0648-AR39
463	Sea Turtle Conservation; Restrictions to Fishing Activities .....	0648-AR81
464	Listing Determinations for 27 ESUs of West Coast Salmon and Oncorhynchus Mykiss .....	0648-AR93
465	Taking Marine Mammals Incidental to Navy Operation .....	0648-AR99
466	Taking and Importing Marine Mammals: Military Readiness Activities and Scientific Research Activities Conducted by or on Behalf of the Federal Government .....	0648-AS06

## National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
467	Regulatory Amendment To Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery .....	0648-AK26



## DOC

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

Sequence Number	Title	Regulation Identifier Number
468	Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan .....	0648-AN16
469	Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP) .....	0648-AN17
470	Full Retention of Demersal Shelf Rockfish in Gulf of Alaska Area 650 .....	0648-AP73
471	Amendment to Fishery Management Plan for Reef Fish Resources of Gulf of Mexico to Set 10-Year Rebuilding Plan for Red Grouper .....	0648-AP95
472	Atlantic Highly Migratory Species (HMS); Bigeye Tuna and Swordfish Trade Statistical Document Programs .....	0648-AQ37
473	Atlantic Highly Migratory Species: Billfish and Swordfish Recreational Fishing .....	0648-AQ65
474	Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2004 .....	0648-AQ82
475	Annual Specifications for the Atlantic Bluefish Fishery for 2004 .....	0648-AQ85
476	Atlantic Highly Migratory Species; Atlantic Swordfish Quotas .....	0648-AQ90
477	Amendment 66 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska .....	0648-AQ98
478	Atlantic Highly Migratory Species; Trade Restrictive Measures .....	0648-AR10
479	Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations .....	0648-AR33
480	Maximum Retainable Amount .....	0648-AR41
481	Regulatory Amendment to Prohibited Species Catch Donation Regulations To Allow Processing of Heads and Guts .....	0648-AR64
482	Amendment 21 to the Reef Fish Fishery Management Plan .....	0648-AR66
483	Amendment 63 to the Fishery Management Plan for Groundfish of the Gulf of Alaska .....	0648-AR73
484	Atlantic Highly Migratory Species: Sea Turtle Bycatch Mitigation .....	0648-AR80
485	Revisions to the Pacific Halibut Catch Sharing Plan for 2004 and Beyond .....	0648-AR83
486	Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California .....	0648-AS03
487	Reduction to Harvest Restrictions for Harvest Limit Area Atka Mackerel Fishery in Aleutian Islands Subarea .....	0648-AS10
488	Technical Amendment to Rulemaking Extending the North Pacific Groundfish Fisheries Observer Program Beyond 2002 .....	0648-AS20
489	Atlantic Highly Migratory Species (HMS); Atlantic Shark Quota Adjustment for the North Atlantic Region .....	0648-AS28
490	Request for Research Proposals Supported Under a Research Set-Aside Program for Fishing Year 2006 .....	0648-AS32
491	Atlantic Large Whale 2002 Seasonal Area Management (SAM) Program .....	0648-AP68
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 .....	0648-AH26
493	Designated Critical Habitat: Proposed Critical Habitat for Northern California Steelhead .....	0648-AO04
494	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives .....	0648-AO16
495	Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank .....	0648-AQ51
496	Endangered Species and Pesticide Regulation .....	0648-AQ69
497	Zero Mortality Rate Goal .....	0648-AR15
498	List of Fisheries for 2004 .....	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 .....	0648-AS05
500	Gray's Reef National Marine Sanctuary .....	0648-AQ41

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

Sequence Number	Title	Regulation Identifier Number
501	Proposed Highly Migratory Species Process .....	0648-AK40
502	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery .....	0648-AS25
503	Amendment 82 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area .....	0648-AS37
504	Interagency Policy on the Prescription of Fishways Under Section 18 of the Federal Power Act .....	0648-AO70
505	Policy for Review of Mandatory Conditions Developed by the Departments of the Interior and Commerce in the Context of Hydropower Licensing .....	0648-AO84
506	Revision of Overflight Regulations .....	0648-AI91
507	Interagency Consultation for the National Marine Sanctuary Program .....	0648-AL06
508	Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries .....	0648-AO36
509	Procedural Changes to the Federal Consistency Process .....	0648-AP98
510	Certification Requirements for NOAA Electronic Navigational Chart Distribution .....	0648-AR87
511	Coastal Zone Management Act Federal Consistency Regulations .....	0648-AR16

## DOC

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

Sequence Number	Title	Regulation Identifier Number
512	Regional Marine Research Program .....	0648-AF20

## National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
513	Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands .....	0648-AG87
514	Revise Exempted Fishing Regulations To Specify Compensatory Fishing Under Exempted Fishing .....	0648-AK84
515	Amendment 10 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) .....	0648-AM23
516	Enhanced Measures To Mitigate Seabird Bycatch in the Alaska Longline Fisheries (Hook-and-Line) .....	0648-AM30
517	Implementation of Western Pacific Coral Reef Ecosystem Fishery Management Plan (FMP) .....	0648-AM97
518	Amendment 7 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic FMP .....	0648-AN08
519	Fishery Management Plan (FMP) for Sargassum Habitat of the South Atlantic .....	0648-AN87
520	Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic, Caribbean, and Gulf of Mexico (FMP) of the Atlantic .....	0648-AO63
521	Atlantic Highly Migratory Species; Exempted Fishing Permits Procedures .....	0648-AO79
522	Amendment 13A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ..	0648-AP03
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 .....	0648-AP25
524	Implementation of Fishery Management Plan for Highly Migratory Species Fisheries Off the West Coast .....	0648-AP42
525	Regulatory Amendment Under the Coastal Migratory Pelagics Fishery Management Plan .....	0648-AP50
526	Atlantic Surf Clam and Ocean Quahog Fisheries; Amendment 13 .....	0648-AP57
527	Amendment to Regulations for Observer At-Sea Electronic Communication Equipment Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries .....	0648-AP66
528	IFQ Recordkeeping and Reporting Requirements for Catcher Vessels; BSAI Amendment 72 and GOA Amendment 64 .....	0648-AP92
529	Fleet Capacity Control for U.S. Tuna Purse Seine Fisheries in the Eastern Pacific Ocean .....	0648-AQ21
530	Implementation of U.S. - Canada Albacore Treaty .....	0648-AQ22
531	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 .....	0648-AQ27
532	Atlantic Highly Migratory Species (HMS); 2003 Bluefin Tuna Quota Specifications and Effort Controls .....	0648-AQ38
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 .....	0648-AQ48
534	Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Vessel Monitoring System .....	0648-AQ58
535	Continuation of Measures To Reduce Fishing Mortality in the Northeast Multispecies Fishery and Implement a DAS Leasing Program .....	0648-AQ72
536	Changes to Eligibility Criteria for Bering Sea and Aleutian Islands Crab License Limitation Program .....	0648-AQ73
537	Annual Specifications for the Surf Clam and Ocean Quahog Fisheries for 2004 .....	0648-AQ79
538	Annual Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries for 2004 .....	0648-AQ80
539	Specifications for the 2004-2005 Fishing Year for the Spiny Dogfish Fishery .....	0648-AQ81
540	Annual Specifications for the Atlantic Mackerel, Squid, and Butterfish Fisheries for 2004 .....	0648-AQ83
541	Annual Specifications for the Atlantic Herring Fishery for 2004 .....	0648-AQ84
542	"Other Species" CDQ Reserve Management .....	0648-AQ88
543	Eastern Pacific Tuna Controls .....	0648-AQ93
544	Atlantic Highly Migratory Species (HMS); Atlantic Shark Management Measures .....	0648-AQ95
545	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel .....	0648-AQ96
546	Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine .....	0648-AQ97
547	Port Codes Integration in Table 14 .....	0648-AR07
548	Regulatory Amendment To Change Reporting Areas 620 and 630 .....	0648-AR08
549	Weakfish: Increase in Incidental Catch per Amendment 4 .....	0648-AR11
550	Atlantic Highly Migratory Species (HMS); Bluefin Tuna Season and Size Limit Adjustments .....	0648-AR12
551	Regulatory Amendment To Correct Effective Dates for Regulatory Changes in 67 FR 79692 (December 30, 2002)	0648-AR13
552	Amendment 77 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area .....	0648-AR31
553	Modification of Housing Requirements for Observers .....	0648-AR32
554	Amendment 16-2 to the Pacific Coast Groundfish Fishery Management Plan .....	0648-AR35

## DOC

## National Oceanic and Atmospheric Administration—Completed Actions (Continued)

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

## Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
587	Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board .....	0651-AB56
588	Fast Track Examination .....	0651-AB62

## Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
589	Rules of Practice Before the Board of Patent Appeals and Interferences .....	0651-AB32

## DOC

## Patent and Trademark Office—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
590	Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan .....	0651-AB64
591	Changes in Requirements for Amendment and Correction of Trademark Registrations .....	0651-AB67
592	Revision of Patent and Trademark Fees for Fiscal Year 2005 .....	0651-AB70
593	Elimination of Credit Cards as Payment for Replenishing Deposit Accounts .....	0651-AB74

## Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
594	Changes To Implement Patent-Related Provisions of the United States Patent and Trademark Fee Modernization Act of 2003 .....	0651-AB54
595	Changes to Representation of Others Before the United States Patent and Trademark Office .....	0651-AB55
596	Revision of United States Patent and Trademark Office Practice for Handling Patent Applications Filed Without the Appropriate Fees .....	0651-AB69

## Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
597	Processing Fee for Use of Paper Forms for Submission of Applications for Registration and Other Documents .....	0651-AB52
598	Changes To Implement the 2002 Inter Partes Reexamination and Other Technical Amendments to the Patent Statute .....	0651-AB57
599	Revision of Search and Preliminary Examination Fees for International Applications .....	0651-AB61
600	Changes Related to Assignments of Patents and Trademarks .....	0651-AB63
601	Revision of Patent Term Extension and Patent Term Adjustment Provisions Related to Decisions by the Board of Patent Appeals and Interferences .....	0651-AB71

## Technology Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
602	Licensing of Government-Owned Inventions .....	0692-AA19

## Technology Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
603	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements .....	0692-AA14
604	Acquisition and Protection of Foreign Rights in Inventions .....	0692-AA15

## Technology Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
605	Amendment to Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements .....	0692-AA18

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

## Proposed Rule Stage

**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	

Action	Date	FR Cite
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Final Action	11/00/04	
Final Action Effective	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

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**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:**

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment Period End	10/00/04	
Final Action Effective	01/00/05	
Final Action	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0691-AA52

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

## Final Rule Stage

**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:**

Action	Date	FR Cite
NPRM	10/17/03	68 FR 59750
NPRM Comment Period End	12/16/03	
Final Action	07/00/04	
Final Action Effective	08/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0691-AA55

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

## Completed Actions

**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:**

Action	Date	FR Cite
NPRM	08/29/03	68 FR 51942
NPRM Comment Period End	10/28/03	
Final Action	12/05/03	68 FR 67939
Final Action Effective	01/05/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0691-AA48

**294. QUARTERLY SURVEYS OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND 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 801.9 to require quarterly reporting of trade in services between U.S. and foreign persons for a number of services that up to now have been reported annually. The collection of quarterly information on international services activity is needed to support a Government initiative to provide more timely data on trade in the largest and most volatile services.

**Timetable:**

Action	Date	FR Cite
Withdrawn	04/27/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
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**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 final annual data collection for 2003, the BE-85 survey would replace the BE-82.

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.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/03	68 FR 51939
NPRM Comment Period End	10/28/03	
Final Action	12/06/03	68 FR 69955
Final Action Effective	01/15/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**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 insurance

## DOC—BEA

## Completed Actions

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 Surveys 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 Period End	11/24/03	
Final Action	12/31/03	68 FR 75408
Final Action Effective	01/30/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**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 Period End	11/24/03	
Final Action	12/31/03	68 FR 75410
Final Action Effective	01/30/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0691-AA54

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

## Proposed Rule Stage

**298. FULL MANDATORY AUTOMATED EXPORT SYSTEM (AES) FILING FOR EXPORT SHIPMENTS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 107-228, sec 1404  
**CFR Citation:** 15 CFR 30

**Legal Deadline:** None

**Abstract:** The Bureau of the Census is amending the Foreign Trade Statistics Regulations to require mandatory filing through the Automated Export System (AES) of all export information, including information for shipments where filing of a Shipper's Export Declaration was formerly required. The

AES is an electronic method by which export information is transmitted. This amendment will specify the provisions and filing responsibilities of parties exporting commodities from the United States.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/22/03	68 FR 60301
ANPRM Comment Period End	11/21/03	
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Ruth Mangaroo, Regulations, Outreach, & Education Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 3125, 4700 Silver Hill Road, FB-3, Washington, DC 20233  
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**Related RIN:** Merged with 0607-AA29, Merged with 0607-AA31, Merged with 0648-AA30

**RIN:** 0607-AA38

## DOC—CENSUS

## Proposed Rule Stage

**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:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No

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

## Final Rule Stage

**300. CUTOFF DATES FOR RECOGNITION OF BOUNDARY CHANGES FOR CENSUS 2000 AND FOR THE INTERCENSAL PERIOD****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553(b)(3)(A); 5 USC 604(a); 44 USC 35**CFR Citation:** 15 CFR 70**Legal Deadline:** None

**Abstract:** The Bureau of the Census (Census Bureau) is establishing cutoff dates for recognition of boundary changes to geographic entities for

which the Census Bureau reports data in various surveys, estimates, censuses, programs, compilations, and publications throughout the period between decennial censuses (years 2001 through 2009).

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/02	67 FR 3631
NPRM Comment Period End	02/25/02	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** Local, State

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

**RIN:** 0607-AA35
**Department of Commerce (DOC)  
Bureau of the Census (CENSUS)**

## Long-Term Actions

**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:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

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

## Completed Actions

**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

## Completed Actions

Product accounts and its annual input-output tables.

**Timetable:**

Action	Date	FR Cite
NPRM	09/15/03	68 FR 53959
NPRM Comment Period End	10/15/03	

Action	Date	FR Cite
Final Action	01/30/04	69 FR 4487
Final Action Effective	01/30/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

Branch, Service Sector Statistics Div., Department of Commerce, Bureau of the Census, 4700 Silver Hill Road, Room 2682 FB-3, Washington, DC 20233

Phone: 301 763-7223

Email: john.r.trimble@census.gov

**RIN:** 0607-AA40

## Department of Commerce (DOC)

## Proposed Rule Stage

## Economic Development Administration (EDA)

**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

**Legal Deadline:** None

**Abstract:** The Economic Development Administration will be reviewing and

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal, Local, State, Tribal

**Agency Contact:** Myriah Jordan, Attorney Advisor, Department of Commerce, Economic Development Administration, HCHB Room 7005, 14th Street & Constitution Avenue, NW., Washington, DC 20230

Phone: 202 482-4687

Fax: 202 482-5671

Email: mjordan@eda.doc.gov

**RIN:** 0610-AA63

## Department of Commerce (DOC)

## Long-Term Actions

## General Administration (ADMIN)

**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

**Legal Deadline:** None

**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 subpart B of 45 CFR part 46.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**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)

## Final Rule Stage

## International Trade Administration (ITA)

**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

**Legal Deadline:** None

**Abstract:** On May 19, 1997 (62 FR 27296), the Department of Commerce (the Department) published final rules on, inter alia, procedures for conducting antidumping and countervailing duty proceedings to conform the Department's existing regulations to the Uruguay Round

Agreements Act (URAA). Although these regulations contain provisions on the conduct of sunset reviews, the Department is planning to amend the regulations to provide more guidance on the procedures for conducting sunset reviews. Specifically, the Department proposes to amend the procedural regulations for participation

## DOC—ITA

## Final Rule Stage

in, and conduct of, sunset reviews to add two definitions to provide shorthand expressions for 120-day and 240-day sunset reviews; provide deadlines for certain submissions; clarify the information to be provided by parties participating in a sunset review; clarify when the Department will conduct a 120-day or a 240-day sunset review; and provide time limits

for actions to be taken by the Department.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/20/98	63 FR 13516
Interim Final Rule Effective	03/20/98	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**RIN:** 0625-AA51

**Department of Commerce (DOC)  
International Trade Administration (ITA)**

**Long-Term Actions**

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

**Priority:** Other Significant

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Sergio Botero  
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:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0625-AA59

**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 would 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:**

Action	Date	FR Cite
ANPRM	To Be Determined	

**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

**Department of Commerce (DOC)  
International Trade Administration (ITA)**

**Completed Actions**

**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 Departments 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:**

Action	Date	FR Cite
NPRM	08/01/03	68 FR 45177
Final Action	10/01/03	68 FR 6555

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Faye Robinson, Acting Director, Statutory Import Programs Staff, Department of Commerce, International Trade

## DOC—ITA

## Completed Actions

Administration, FCB Suite 4100W, 14th Street & Constitution Avenue, NW.,  
Washington, DC 20230

Phone: 202 482-3526  
RIN: 0625-AA63

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

## Prerule Stage

**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 13026; 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.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/00/04	

**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-AC69

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

## Proposed Rule Stage

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/99	64 FR 39193
Interim Final Rule	12/30/99	64 FR 73744
Second NPRM	09/00/04	

**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

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**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

**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;

...

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

## DOC—BIS

## Proposed Rule Stage

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	12/20/01	66 FR 65666
NPRM	07/00/04	

**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; EO 12938; EO 13020; EO 13026; EO 13222

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**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

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

**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:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**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-AD09

**Department of Commerce (DOC)**

**Final Rule Stage**

**Bureau of Industry and Security (BIS)**

**316. EXPORTS AND REEXPORTS TO SUDAN**

**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 732; 15 CFR 738; 15 CFR 742; 15 CFR 746; 15 CFR 774

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to reflect the imposition of economic sanctions on Sudan, as a result of the

issuance of Executive Order 13067 on November 3, 1997. The Executive order delegates implementation responsibility to the Department of the Treasury's Office of Foreign Assets Control, including authority for exports and certain reexports. In addition, this rule makes editorial revisions to the EAR relating to embargoes and antiterrorism controls.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/00/04	

**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  
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Email: warvin@bis.doc.gov

**RIN:** 0694-AC05

DOC—BIS

Final Rule Stage

**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:**

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64009
NPRM Comment Period End	01/12/04	
Final Action	07/00/04	

**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  
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**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:**

Action	Date	FR Cite
Interim Final Rule	12/00/04	

**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  
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**RIN:** 0694-AC33

**319. LICENSE APPLICATION DENIAL POLICY, "RED FLAG" INDICATORS OF POSSIBLE INAPPROPRIATE END-USE, END-USER, OR DESTINATION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 732; 15 CFR 744.11

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal

**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-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

DOC—BIS

Final Rule Stage

**CFR Citation:** 15 CFR 748; 15 CFR 774**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) to implement decisions to move export licensing jurisdiction of certain types of cargo aircraft and parts therefor 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 export licensing jurisdiction for certain jet trainer aircraft and specially designed component parts from BIS to DTC. A complementary rule amending the International Traffic in Arms Regulations will be published by the Department of State. This rule implements decisions reached in the ongoing review of the United States Munitions List 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 United States Munitions List with the objective of reviewing the entire list every four years.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/04	

**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

### 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; 18 USC 2510; 22 USC 3201; 42 USC 2139a; PL 106-387; PL 107-56; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222; ...

**CFR Citation:** 15 CFR 742; 15 CFR 770; 15 CFR 748

**Legal Deadline:** None

**Abstract:** This final 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 along with a complementary rule published by the Department of State (67 FR 70839, 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.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/00/04	

**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  
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**RIN:** 0694-AC75

### 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

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

**Legal Deadline:** None

**Abstract:** This rule establishes the new export control policy for exports to Iraq under the licensing responsibility of the

Bureau of Industry and Security. The new export control policy reflects the changed circumstances in Iraq and is consistent with changes in U.S. legal authorities concerning Iraq and actions taken by the United Nations Security Council with respect to the embargo against Iraq.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**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

## DOC—BIS

## Final Rule Stage

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:**

Action	Date	FR Cite
Final Rule	12/00/04	

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

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**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:**

Action	Date	FR Cite
Final Action	12/00/04	

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

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**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 maintained by the

Department of the Treasury in 31 CFR chapter V. In this rule, the Bureau of Industry and Security removes from its regulations the restrictions on exports and reexports to persons identified by the bracketed initials [FRYM] on the list of Specially Designated Nationals and Blocked Persons.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/04	

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

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**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:**

Action	Date	FR Cite
NPRM	10/24/03	68 FR 60891
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** On October 24, 2003, BIS published a proposed rule

DOC—BIS

Final Rule Stage

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  
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**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 generalpurpose microprocessor technology under License Exception CIV. Eligibility for License Exception CIV in the final rule is limited to deemed exports for certain microprocessor technology. BIS has determined that further liberalization of controls on exports of microprocessor

technology must await agreement in the Wassenaar Arrangement. This rule also establishes a new "Foreign National Review" (FNR) Support Statement requirement for deemed exports of technology in the EAR, incorporating guidance that has been posted on BIS's Web site.

**Timetable:**

Action	Date	FR Cite
NPRM	10/24/03	68 FR 60891
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

efoia.bis.doc.gov/pubcomm/  
computer%20tech%20and%20software/  
final.pdf

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**Related RIN:** Split from 0694-AC95

**RIN:** 0694-AD04

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

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**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 imposes unilateral "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:**

Action	Date	FR Cite
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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DOC—BIS

Final Rule Stage

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 RIN: 0694-AD06

### 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), Commerce Control List entry for space launch vehicles and "spacecraft" to remove outdated notes and to clarify that "space qualified" parts, components and technology subject to the EAR are controlled under other entries.

#### Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

**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  
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**RIN:** 0694-AD07

### 331. • REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AD08

### 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 12947; EO 13026; EO 13099; EO 13222; EO 13224

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

**Legal Deadline:** None

**Abstract:** This rule imposes a license requirement for the export or reexport of all items subject to the Export Administration Regulations (EAR) to a destination subject to a binding United Nations Security Council arms embargo, or to a destination subject to a regional arms embargo either binding on the United States or to which the United States has voluntarily consented to adhere, when the exporter or reexporter has knowledge at the time of export or reexport, or is informed by the Bureau of Industry and Security, that the items are or may be intended, entirely or in part, for a military end-use.

This rule also revises the definition for "military end-use" for Iraq under the

EAR by making it the same as the definition that is used for the implementation of this Wassenaar statement of understanding in this rule.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

#### Timetable:

Action	Date	FR Cite
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security,

DOC—BIS

Final Rule Stage

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 RIN: 0694-AD11

### 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 12947; EO 13026; EO 13099; EO 13222; EO 13224

**CFR Citation:** 15 CFR 744

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Final Action	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
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 RIN: 0694-AD12

### 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 13026; EO 13222

**CFR Citation:** 15 CFR 744

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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 RIN: 0694-AD13

### 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. Major status under 5 USC 801 is undetermined.

**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:

Action	Date	FR Cite
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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 RIN: 0694-AD15

### 337. • REVISION OF EXPORT CONTROL CLASSIFICATION NUMBER (ECCN) 2B351 TO CONFORM WITH THE AUSTRALIA GROUP (AG) "CONTROL LIST OF DUAL-USE CHEMICAL MANUFACTURING FACILITIES AND EQUIPMENT AND RELATED TECHNOLOGY"

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2510 et seq; 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s) and 185(u);

## DOC—BIS

## Final Rule Stage

42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106-387; PL 107-56; EO 13026; EO 13222

**CFR Citation:** 15 CFR 774

**Legal Deadline:** None

**Abstract:** This rule revises Export Control Classification Number (ECCN) 2B351 on the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR) to conform with the Australia Group (AG) "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology."

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**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 that 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:**

Action	Date	FR Cite
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**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:**

Action	Date	FR Cite
NPRM	10/24/03	68 FR 60891
Final Action	12/00/04	

**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](http://efoia.bis.doc.gov/pubcomm/computer%20tech%20and%20software/final.pdf)

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**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

DOC—BIS

Final Rule Stage

107-56; EO 12058; EO 12851; EO 12938; EO 12947; EO 13026; EO 13099; EO 13222; EO 13224

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

**Legal Deadline:** None

**Abstract:** This action removes the requirements for a separate case-by-case, U.S. Government review of some encryption items to determine whether foreign-made items incorporating them are eligible for de minimis treatment. Foreign-made items incorporating those encryption items will now be treated like other U.S. origin items in determining de minimis eligibility. This rule reduces the notification requirements for exports and reexports of certain “publicly available” items that have been posted to the Internet by removing the requirement to notify the U.S. Government of updates or modifications if the Internet location has not changed. This rule simplifies

License Exception ENC review requirements for exports and reexports of eligible encryption items, by implementing a 30-day limit on most encryption reviews and by clarifying the criteria by which licensing requirements to certain “government end-users” is determined. In connection with this new 30-day limit, this rule authorizes BIS to require additional technical information about a reviewed item after the review is completed and, if the information is not furnished, to suspend or revoke authorization to use License Exception ENC with respect to the item for which the information is sought. This rule also expands the list of countries to which certain encryption items may be sent immediately after notification to the U.S. Government. The list now covers all current members of the European Union. This rule updates and clarifies several encryption review requirements by revising License

Exception ENC, Supplement No. 3 to part 740 and the definition of the term “hold without action” in the Export Administration Regulations. This rule also makes some technical changes.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AD19

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

Long-Term Actions

**341. CLARIFICATION OF LICENSE EXCEPTION GFT (HUMANITARIAN DONATIONS)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 740

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AB49

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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**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:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC15

**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:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC17

**342. EXPORT ADMINISTRATION REGULATIONS: SUPPORT DOCUMENTATION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 748

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined

**345. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 748 to 750

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

## DOC—BIS

## Long-Term Actions

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AC23

**346. CLARIFICATIONS TO PART 753: SPECIAL COMPREHENSIVE LICENSE REQUIREMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 700 to 799

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AC34

**347. CHEMICAL WEAPONS CONVENTION: REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 700 to 799

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AC35

**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:**

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AC46

**349. REVISION, SUSPENSION, OR PROHIBITION OF USE OF "NO LICENSE REQUIRED" PROVISIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 732; 15 CFR 738; 15 CFR 758

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0694-AC47

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

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 774

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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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:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0694-AB41

RIN: 0694-AC82

**Department of Commerce (DOC)****Bureau of Industry and Security (BIS)****Completed Actions****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

Legal Deadline: Final, Statutory, June 1, 1998, Title 6 of the Department of the Interior and Related Agencies

Appropriations Act of 1998 (PL 105-03).

**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

## DOC—BIS

## Completed Actions

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:**

Action	Date	FR Cite
ANPRM	06/07/95	60 FR 30030
ANPRM Comment Period End	07/07/95	
Withdrawn	05/05/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

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**RIN:** 0694-AB25

### 353. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS (EAR)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 730; 15 CFR 732; 15 CFR 734; 15 CFR 736; 15 CFR 740; 15 CFR 746; 15 CFR 748; 15 CFR 752; 15 CFR 758; 15 CFR 772; 15 CFR 774

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations by making certain revisions and clarifications and, in some cases, inserts material inadvertently omitted from previous rules.

**Timetable:**

Action	Date	FR Cite
Final Action	02/06/04	69 FR 5686
Final Action Effective	02/06/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC24

### 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/13/00	65 FR 55177

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC31

### 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.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	03/30/04	
Final Action	04/06/04	69 FR 17926

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC54

## DOC—BIS

## Completed Actions

**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:**

Action	Date	FR Cite
ANPRM	06/10/02	67 FR 39675
Withdrawn	05/10/04	

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

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**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:**

Action	Date	FR Cite
Final Action	05/06/04	69 FR 25312
Final Action Effective	05/06/04	

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

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**RIN:** 0694-AC64**358. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON THE 2002 MISSILE TECHNOLOGY CONTROL REGIME PLENARY AGREEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13222; EO 13026; 18 USC 2510; ...**CFR Citation:** 15 CFR 772; 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 2002 Plenary in Warsaw, Poland. New definitions for range and payload were added to provide clarity in determining whether systems fall under Category I MTCR controls. All other revisions/additions were made to insure that items which are useable in missiles of MTCR concern are appropriately controlled.

**Timetable:**

Action	Date	FR Cite
Final Action	09/18/03	68 FR 54655
Final Action Effective	09/18/03	

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

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**RIN:** 0694-AC76**359. ADDITION OF EAST TIMOR, NETHERLANDS ANTILLES, AND ARUBA TO THE EXPORT ADMINISTRATION REGULATIONS****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.

## DOC—BIS

## Completed Actions

**Timetable:**

Action	Date	FR Cite
Final Action	04/20/04	69 FR 21055

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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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; EO 13206;

...

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 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.

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:**

Action	Date	FR Cite
Final Action	01/03/02	67 FR 458

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0694-AC85

**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; 42 USC 2139a; ...

CFR Citation: 15 CFR 732; 15 CFR 738; 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 previously 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:**

Action	Date	FR Cite
Final Rule	01/22/04	69 FR 3004
Final Action Effective	01/22/04	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0694-AC86

**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:**

Action	Date	FR Cite
Final Rule	05/04/04	69 FR 24507
Final Action Effective	05/04/04	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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RIN: 0694-AC87



## DOC—BIS

## Completed Actions

**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 12851; EO 12938; 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:**

Action	Date	FR Cite
Final Action	12/01/03	68 FR 67030
Interim Final Rule Effective	12/01/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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**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:**

Action	Date	FR Cite
Withdrawn	05/05/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC89

**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 TechnologyList," which is published by the International Atomic Energy Agency.

**Timetable:**

Action	Date	FR Cite
Final Action	10/22/03	68 FR 60288

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
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**RIN:** 0694-AC90

**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

DOC—BIS

Completed Actions

describes factors that BIS's Office of Export Enforcement typically considers in describing whether a violation should be addressed in a warning letter, rather than in an administrative enforcement case. The guidance does not apply to antiboycott matters arising under part 760 of the EAR.

The rule also amends section 764.5(e) of the EAR to state that Supplement No. 1 to part 766 describes how BIS typically exercises its discretion regarding whether to pursue an administrative enforcement case regarding violations reported in a voluntary self-disclosure under section 764.5, and what administrative sanctions to seek in settling such a case.

In part 766, the rule amends section 766.3(a) to state that Supplement No. 1 to part 766 describes how BIS typically exercises its discretion regarding the issuance of charging letters, other than in antiboycott matters under part 760. The rule amends section 766.18 to add a new paragraph (f), stating that Supplement No. 1 to part 766 describes how BIS typically exercises its discretion regarding the terms under which it is willing to settle particular cases, other than antiboycott matters under part 760.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/03	68 FR 54402
NPRM Comment Period End	11/17/03	
Final Action	02/20/04	69 FR 78976

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Philip Golrick, Department of Commerce, Bureau of Industry and Security, HCHB Room 3839, 14th & Pennsylvania Avenue, NW., Washington, DC 20230  
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**RIN:** 0694-AC92

**367. • 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.

**Timetable:**

Action	Date	FR Cite
NPRM	10/24/03	68 FR 60891
Split Into RINs	06/08/04	
0694-AD04, 0694-AD18, and 0694-AD02		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
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 Fax: 202 482-3355  
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**Related RIN:** Related to 0694-AD04, Related to 0694-AD18

**RIN:** 0694-AC95

**368. • 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(s); 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

**Timetable:**

Action	Date	FR Cite
Final Action	03/18/04	69 FR 12789

**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  
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**RIN:** 0694-AC96

**369. • 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

## DOC—BIS

## Completed Actions

**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 (CWCR) 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](http://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 and for the assignment and use of logins and passwords to allow individual users authorized by BIS to submit declarations and reports on behalf of 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:**

Action	Date	FR Cite
Interim Final Rule	01/16/04	69 FR 2501

**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  
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**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:**

Action	Date	FR Cite
Final Action	05/14/04	69 FR 26766
Final Action Effective	05/14/04	

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

**CFR Citation:** 15 CFR 774

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This final

rule revises certain entries controlled for national security reasons in Categories 1, 2, 3, 4, 5 Part I (telecommunications), 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:**

Action	Date	FR Cite
Final Action	04/29/04	69 FR 23598

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

## DOC—BIS

## Completed Actions

additions were made to insure that items which are useable in missiles of MTCR concern are appropriately controlled.

**Timetable:**

Action	Date	FR Cite
Final Action	05/04/04	69 FR 24508

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**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:**

Action	Date	FR Cite
Final Action	02/09/04	69 FR 5928
Final Action Effective	02/09/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 0694-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:**

Action	Date	FR Cite
Final Rule	04/29/04	69 FR 23626

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AD14

## Department of Commerce (DOC)

## National Institute of Standards and Technology (NIST)

## Final Rule Stage

### 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 Standard 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:**

Action	Date	FR Cite
Interim Final Rule	11/28/03	68 FR 66703
Final Action	07/00/04	

**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

## Department of Commerce (DOC)

Prerule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## 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:**

Action	Date	FR Cite
ANPRM	06/01/04	69 FR 30857

Action	Date	FR Cite
ANPRM Comment	08/02/04	
Period End		
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

RIN: 0648-AS36

## Department of Commerce (DOC)

Proposed Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

## 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:**

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment	10/00/04	
Period End		

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

Phone: 808 973-2985

RIN: 0648-AK82

## 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 crustaceans management areas.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment	09/00/04	
Period End		

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:**

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

Regulatory Flexibility Analysis Required: Yes

## DOC—NOAA

## Proposed Rule Stage

**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

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**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	

**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-AM98

### 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:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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**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:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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

Phone: 808 973-2985

**RIN:** 0648-AN76

### 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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

## DOC—NOAA

## Proposed Rule Stage

**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

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**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 Act of 1996. In addition, this amendment will address bycatch reporting requirements of the reef fish fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	11/00/04	

**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

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**RIN:** 0648-AP02

**385. REVISION OF AMERICAN LOBSTER REGULATIONS FOR THE EEZ**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 5101 et seq

**CFR Citation:** 50 CFR 697

**Legal Deadline:** None

**Abstract:** In accordance with the Atlantic Coastal Fisheries Cooperative Management Act (Act), 16 USC et seq., NMFS announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone in response to recommendations from the Atlantic States Marine Fisheries Commission to NMFS in Addenda II and III to Amendment 3 to the Interstate Fishery Management Plan for American Lobster (ISFMP). This 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 LCMAs.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/24/01	66 FR 28726
ANPRM Comment Period End	06/25/01	
ANPRM	09/05/02	67 FR 56800
ANPRM Comment Period End	10/07/02	
NPRM	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** Thomas Meyer, Fisheries Biologist, Office of

Intergovernmental/Recreational Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Suite 425, 8484 Georgia Avenue, Silver Spring, MD 20910

Phone: 301 427-2014

**RIN:** 0648-AP18

**386. REGULATORY AMENDMENT TO IMPLEMENT PERMIT STACKING IN THE LIMITED-ENTRY FIXED-GEAR SABLEFISH FISHERY IN 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:**

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment Period End	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

## DOC—NOAA

## Proposed Rule Stage

Fax: 206 526-6426

RIN: 0648-AP38

**387. COMPREHENSIVE AMENDMENT ADDRESSING SUSTAINABLE FISHERIES ACT REQUIREMENTS REGARDING OVERFISHING, BYCATCH, FISHING COMMUNITIES AND PROVISIONS FOR FISHERY MANAGEMENT PLANS FOR THE CARIBBEAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.

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

**Timetable:**

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

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

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AP51

**388. ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES; AMENDMENT 9****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of the end of the NPRM comment period.

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	10/00/04	

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

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

RIN: 0648-AP60

**389. IMPLEMENTATION OF THE REGULATORY CHANGES RESULTING FROM THE AMENDMENTS AND EXTENSION OF THE SOUTH PACIFIC TUNA ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 50 CFR 300**Legal Deadline:** None

**Abstract:** This rulemaking would implement the regulatory changes resulting from the recently renegotiated Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America, as authorized

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**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 GROUND FISH 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.



## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**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

**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:**

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment Period End	09/00/04	

**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-AQ07

**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:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	01/00/05	
Final Action	02/00/05	

**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:**

Action	Date	FR Cite
NPRM	09/00/04	

Action	Date	FR Cite
NPRM Comment Period End	11/00/04	

**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-AQ25

**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:**

Action	Date	FR Cite
ANPRM	02/14/03	68 FR 7492
ANPRM Comment Period End	03/17/03	
Comment Period Extended	03/03/03	68 FR 9967
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AQ63

**395. AMENDMENT 1 TO THE SPINY DOGFISH FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant

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

## DOC—NOAA

## Proposed Rule Stage

**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would revise the rebuilding program and other management measures in the FMP.**Timetable:**

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

**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-AQ86**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**Abstract:** This action would implement a limited access program and make other adjustments to the FMP.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment	03/00/05	
Period End		
Final Action	07/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AQ87**397. ADJUSTMENT OF MANAGEMENT PROGRAM TO CONSERVE SEA TURTLES IN THE PELAGIC FISHERIES IN THE WESTERN PACIFIC REGION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This regulatory action would establish additional sea turtle conservation measures governing longline and non-longline vessels managed under the Pelagics FMP.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment	10/00/04	
Period End		

**Regulatory Flexibility Analysis****Required:** No**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-AQ91**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**Abstract:** Amendment 11 would establish a limited access program for the pelagic longline fishery for the EEZ around American Samoa.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment	09/00/04	
Period End		

**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-AQ92**399. AMENDMENT 62 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA AND AMENDMENT 62 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None**Abstract:** This rulemaking would implement AFA single geographic location allowing AFA-qualified inshore floating processors the flexibility to relocate between reporting weeks rather than between fishing years for the purpose of processing targeted BSAI pollock. In addition, this rulemaking would address obsolete and inconsistent inshore/offshore language in both the BSAI and GOA groundfish FMPs and recommend removing the GOA inshore/offshore allocation sunset date.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment	10/00/04	
Period End		

**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-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**Abstract:** This rulemaking would revise accounting procedures when deducting

## DOC—NOAA

## Proposed Rule Stage

halibut catch from the Individual Fishing Quota (IFQ). Only those halibut with external tags are excluded from IFQ quota deduction.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**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-AR09

**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	12/00/04	

**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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive

Center Drive N., St. Petersburg, FL 33702-2432  
Phone: 727 570-5305  
Fax: 727 570-5583

**RIN:** 0648-AR38

**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:**

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment Period End	09/00/04	

**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-AR50

**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:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

## DOC—NOAA

## Proposed Rule Stage

**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:**

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment Period End	09/00/04	

**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-AR52

#### 406. FRAMEWORK 16 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN AND FRAMEWORK ADJUSTMENT 39 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** These frameworks would establish access program for scallopers in the groundfish closed areas.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

Action	Date	FR Cite
NPRM Comment Period End	08/00/04	

**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-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 fishery for fishing year 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	10/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** 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-AR56

#### 408. ANNUAL SPECIFICATIONS FOR THE ATLANTIC BLUEFISH FISHERY FOR FISHING YEAR 2005

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would implement the annual specifications for the Atlantic Bluefish Fishery for fishing year 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** 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-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:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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

**RIN:** 0648-AR59

## DOC—NOAA

## Proposed Rule Stage

**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 address issues regarding quota allocation of Atlantic bluefin tuna, swordfish, and sharks among and within domestic fishing categories; examine management alternatives to improve and streamline the current limited access permit program; conduct a 5-year review of essential fish habitat identifications; and address exempted fishing and scientific research permitting issues consistent with rebuilding plans, the Magnuson-Stevens Fishery Conservation and Management Act, Atlantic Tunas Convention Act, and other relevant Federal laws.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment	02/00/05	
Period End		

**Regulatory Flexibility Analysis****Required:** Undetermined**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-AR60**411. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); AMENDMENT 2 TO THE ATLANTIC BILLFISH FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** Amendment 2 to the Atlantic billfish fishery management plan is

intended to conduct a 5-year review of essential fish habitat identifications, and address other issues as necessary consistent with rebuilding plans, the Magnuson-Stevens Fishery Conservation and Management Act, Atlantic Tunas Convention Act, and other relevant Federal laws.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment	02/00/05	
Period End		

**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, 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 GROUND FISH 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:**

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

**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment	09/00/04	
Period End		

## DOC—NOAA

## Proposed Rule Stage

**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-AR65**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**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 GROUND FISH OF THE GULF OF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This action would eliminate an existing requirement under the Improved Retention/Improved Utilization (IR/IU) program that groundfish fisheries retain shallow water flatfish in the Gulf of Alaska (GOA). This action may relieve some harvesting and utilization restrictions on GOA groundfish harvesting and processing operations. It follows a parallel action taken in the BSAI to relieve those groundfish fisheries from requirements to retain all IR/IU flatfish species

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	12/00/04	

**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-AR72**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.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/11/03	68 FR 69070
ANPRM Comment Period End	01/26/04	
Comment Period Extended	02/25/04	69 FR 8615
Comment Period End	04/26/04	
NPRM	11/00/04	
NPRM Comment Period End	12/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Rolland Schmitt, 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**417. • AMENDMENT 48 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AND GULF OF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This action would amend the process by which harvest specifications would be set in future years. It would update descriptions of the fisheries by removing references to foreign fishing, revise the description of the harvest specifications process to provide for 18 months specifications for most target species and biennial harvest specifications for certain Gulf of Alaska species, revise the name of the BSAI

## DOC—NOAA

## Proposed Rule Stage

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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East-West

Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

**RIN:** 0648-AR78

**419. • EXTEND THE MORATORIUM ON HARVESTING SEAMOUNT GROUND FISH 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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/05	

**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-AR85

**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**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.

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**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**422. • GEAR IDENTIFICATION MARKINGS ON BUOYS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	
Final Action	01/00/05	
Final Action Effective	02/00/05	

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

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

**RIN:** 0648-AR90**423. • INDIVIDUAL FISHING QUOTA FOR GUIDED RECREATIONAL CHARTER HALIBUT FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 1540**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This regulatory amendment would modify the Individual Fishing Quota (IFQ) Program by incorporating the guided recreational charter halibut fishery (Charter fishery) into the existing IFQ program for the fixed-gear commercial fishery (Commercial fishery) as defined by specific elements of the proposed action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**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-AR96**424. • ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC MACKEREL****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, The CPS fisheries regulations require that the annual specs for Pacific mackerel be published in the **Federal Register** before July 1, the start of the fishing year.

**Abstract:** This action would set annual specifications for the Pacific mackerel pursuant to the Coastal Pelagic Species fisheries regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**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-AR97**425. • CDQ TRANSFER, ELIGIBLE VESSELS, AND FISHING PLAN REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**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-AS00



## DOC—NOAA

## Proposed Rule Stage

**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	

**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-AS01**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:**

Action	Date	FR Cite
NPRM	05/18/04	69 FR 28106
NPRM Comment Period End	07/02/04	
Final Action	10/00/04	

**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

**Related RIN:** Related to 0648-AQ95**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 rule would adjust regional quota allocations for small and large coastal sharks managed under the Fishery Management Plan for Atlantic Highly Migratory Species. These measures are needed to ensure current management measures are consistent with the most current landings information.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**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-AS08**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:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	07/00/04	

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

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

**RIN:** 0648-AS09**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

## DOC—NOAA

## Proposed Rule Stage

and the Hawaii-Aleutian time zone. These instances cause confusion because different parts of the same management area would close at different times.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment	11/00/04	
Period End		

**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:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment	11/00/04	
Period End		

**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

**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:**

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment	03/00/05	
Period End		

**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-AS13

**433. • AMENDMENT 81 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA AND AMENDMENT 74 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH 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:**

Action	Date	FR Cite
Notice	07/00/04	
Comment Period End	08/00/04	

**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

**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:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DOC—NOAA

## Proposed Rule Stage

**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

#### 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:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

**RIN:** 0648-AS16

#### 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:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	12/00/04	

**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-AS17

#### 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:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	12/00/04	

**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-AS18

#### 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

## DOC—NOAA

## Proposed Rule Stage

continuing basis. This rebuilding plan contains alternatives that would rebuild the stock in less than 10 years. Measures to reduce commercial and recreational fishing mortality so that the stock can rebuild include vermilion snapper size limits, bag limits, trip limits, quotas, and closed seasons. In addition, alternatives for establishing vermilion snapper biological reference points and status determination criteria are included in the plan.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment	12/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AS19

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment	03/00/05	
Period End		

**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

#### 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 would revise the allocation of summer flounder quota.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment	08/00/04	
Period End		

**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

#### 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:**

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment	10/00/04	
Period End		

**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

#### 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:**

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

**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-AS24

#### 443. • AMENDMENT 16-3 TO THE PACIFIC COAST GROUND FISH 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.*

## DOC—NOAA

## Proposed Rule Stage

crameri), lingcod (*S. levis*), widow rockfish (*S. entomelas*), and yellow eye rockfish (*S. ruberimus*). These rebuilding parameters stem from the Magnuson-Stevens Fishery Conservation and Management Act and national standard 1 guidelines (50 CFR 600.310). The most important strategic rebuilding parameters are the time period within which the stock must be rebuilt to the target biomass capable of supporting maximum sustainable yield and the harvest control rule that would constrain fishing mortality, so the stock can be rebuilt in that time period. Management measures implemented through the biennial management process will be used to constrain fishing to the targets identified in the rebuilding plans.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AS26

#### 444. • PACIFIC COAST GROUND FISH FISHERY; ANNOUNCEMENT OF 2005-2006 GROUND FISH

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** NPRM, Statutory, September 2004, Rule must be effective on 01/01/05 when the fishing year begins.  
Final, Statutory, December 2004.

**Abstract:** This rulemaking will implement the 2005-06 annual specifications and management measures for the Pacific Coast Groundfish Fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

Action	Date	FR Cite
NPRM Comment Period End	10/00/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AS27

#### 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:**

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	10/00/04	

**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

#### 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

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

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment Period End	09/00/04	
Final Action	10/00/04	

**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

#### 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

**Legal Deadline:** Final, Statutory, August 2004.  
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 Mariana Islands as precious coral management areas.

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	09/00/04	

**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:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment	11/00/04	
Period End		

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined

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

Phone: 978 281-9200

RIN: 0648-AS33

**449. • FRAMEWORK 40A 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 certain access program measures on Georges Bank originally disapproved in Amendment 13 to the Northeast Multispecies FMP and resubmitted for Secretarial review.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment	09/00/04	
Period End		

**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:**

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment	03/00/05	
Period End		

**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 GROUND FISH FISHERY AND CALIFORNIA, WASHINGTON, AND OREGON FISHERIES FOR DUNGENESS CRAB AND PINK SHRIMP****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1861 a(b) to 1861 a(e)**CFR Citation:** 50 CFR 600**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment	08/00/04	
Period End		

**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

## DOC—NOAA

## Proposed Rule Stage

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:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	06/00/04	
Final Action	07/00/04	

**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

**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:**

Action	Date	FR Cite
NPRM	08/00/04	

Action	Date	FR Cite
NPRM Comment Period End	09/00/04	

**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-AS41

**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:**

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

**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-AH83

**455. NORTH ATLANTIC WHALE PROTECTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1361 et seq; 16 USC 1531 et seq

**CFR Citation:** 50 CFR 216; 50 CFR 222

**Legal Deadline:** None

**Abstract:** This action investigates the need to adopt regulations to decrease the negative impacts of whale watching.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/04/00	65 FR 270
ANPRM Comment Period End	03/06/00	
NPRM	12/00/04	
NPRM Comment Period End	01/00/05	

**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-AM85

**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:**

Action	Date	FR Cite
ANPRM	01/30/02	67 FR 4379
ANPRM Comment Period End	04/01/02	
NPRM	12/00/04	

## DOC—NOAA

## Proposed Rule Stage

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

**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**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:**

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

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

**Agency Contact:** LaMont Jackson, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-1401

Fax: 301 713-0376

Email: terri.jordan@noaa.gov

**RIN:** 0648-AO37**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 commerce involving these animals.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	12/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**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**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 (AADC) for a Letter of Authorization (LOA) to take small numbers of marine mammals incidental to rocket launches from the Kodiak Launch Complex (KLC), Kodiak Island, Alaska. As a result of that request, NMFS is proposing regulations that would authorize the incidental taking of a small number of marine mammals. In order to issue such regulations, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals and will not have an unmitigable adverse impact on the availability of marine mammal species or stocks for subsistence uses.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/05/01	66 FR 55909
ANPRM Comment Period End	12/05/01	
NPRM	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State

**Agency Contact:** Kenneth Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Room 13600, Silver Spring, MD 20910

Phone: 301 713-2322

Fax: 301 713-0376

Email: ken.hollingshead@noaa.gov

**RIN:** 0648-AP62**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:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

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

**Agency Contact:** Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National



## DOC—NOAA

## Proposed Rule Stage

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:

Action	Date	FR Cite
ANPRM	09/29/03	68 FR 55926
ANPRM Comment Period End	11/13/03	
NPRM	09/00/04	
NPRM Comment Period End	12/00/04	
Final Action	05/00/05	

**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 48115-0070  
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

**Legal Deadline:** NPRM, Statutory, September 2003.

Final, Statutory, January 2004.

There is a deadline under the MMPA, but noting that we cannot meet this deadline because of requirements related to compliance with other laws, such as NEPA and the Regulatory Flexibility Act.

**Abstract:** This action 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:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**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:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	

**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 ONCORHYNCHUS MYKISS

**Priority:** Other Significant

**Legal Authority:** 16 USC 1533

**CFR Citation:** 50 CFR 223; 50 CFR 224

**Legal Deadline:** NPRM, Judicial, March 31, 2004.

NMFS has requested an extension to the court-ordered deadline, but no decision has been made as of 4/23/2004.

**Abstract:** NMFS has completed status reviews for 26 West Coast salmon and O. mykiss (inclusive of anadromous steelhead and co-occurring resident

## DOC—NOAA

## Proposed Rule Stage

rainbow trout) Evolutionarily Significant Units (ESUs) previously listed as threatened and endangered species under the ESA, as well as one ESU that was designated as a candidate species. Following a September 2001 U.S. District Court ruling that rejected how NMFS treats hatchery populations in its listing determinations, the agency received several petitions seeking to delist, or to redefine and list several ESUs on the basis of the Court's ruling. In response to these petitions NMFS initiated status reviews for 16 ESUs, and elected to conduct status reviews for an additional 11 ESUs. Based on these reviews, NMFS is taking this action to list ESUs as endangered or threatened, and also to delist ESUs as necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**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 LFAs sonar testing and training operations that are the subject of NMFS' July 16, 2002 (67 FR 46712) final rule constitute a military readiness activity because those activities constitute "training and operations of the Armed Forces that relate to combat" and constitute "adequate and realistic testing of military equipment, vehicles, weapons and sensors for proper operation and suitability for combat use."

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20912  
Phone: 301 713-2055

Email: ken.hollingshead@noaa.gov

**RIN:** 0648-AR99

**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:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	11/00/04	

**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

## Department of Commerce (DOC)

## Final Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

**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.**Timetable:**

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53334
NPRM Comment Period End	10/10/03	
Final Action	07/00/04	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115-0070  
Phone: 206 526-6150  
Fax: 206 526-6426**RIN:** 0648-AK26**468. 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.**Timetable:**

Action	Date	FR Cite
Notice	01/16/04	69 FR 2561
Notice Comment Period End	03/15/04	
NPRM	02/26/04	69 FR 8915
NPRM Comment Period End	03/29/04	
Notice	04/15/04	69 FR 19983
Notice	04/30/04	69 FR 23729
Final Action	07/00/04	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AN16**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.**Timetable:**

Action	Date	FR Cite
Notice	12/29/03	68 FR 74939
NPRM	01/29/04	69 FR 4362
Comment Period End	02/27/04	
NPRM Comment Period End	02/27/04	
Notice	04/20/04	69 FR 21089
Final Action	04/27/04	69 FR 22906
Correction	04/30/04	69 FR 23667
Correction	07/00/04	

**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**470. FULL RETENTION OF DEMERSAL SHELF ROCKFISH IN GULF OF ALASKA AREA 650****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None**Abstract:** This regulatory amendment would require full retention of demersal shelf rockfish (DSR) 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

## DOC—NOAA

## Final Rule Stage

percent of sablefish landed. Any DSR landed in excess of these limits could be retained for any use except sale, barter, or trade. This could include personal consumption or donation to a nonprofit charitable organization.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/04	69 FR 2875
NPRM Comment Period End	02/20/04	
Final Action	07/00/04	

**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 GROUPER

**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:**

Action	Date	FR Cite
Notice	01/08/04	69 FR 1278
Comment Period End	03/08/04	
NPRM	02/20/04	69 FR 7898
NPRM Comment Period End	04/20/04	
Final Action	07/00/04	

**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 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This rule would implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) to establish statistical document programs for trade of swordfish and bigeye tuna. This regulation will require all dealers, who export or import swordfish or bigeye tuna, complete a statistical document and ensure the document accompanies the shipment. The purpose of the ICCAT recommendation and this regulation is to assist in the conservation of swordfish and bigeye tuna, improve the reliability of statistical information of catches, and to assist ICCAT with the elimination

of illegal, unreported, and unregulated fishing operations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16211
NPRM Comment Period End	05/10/04	
Final Action	11/00/04	

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

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

**RIN:** 0648-AQ37

#### 473. ATLANTIC HIGHLY MIGRATORY SPECIES: BILLFISH AND SWORDFISH RECREATIONAL FISHING

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

**Abstract:** This rule 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:**

Action	Date	FR Cite
NPRM	09/17/03	68 FR 54410
NPRM Comment Period End	10/24/03	
Final Action	10/00/04	

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

## DOC—NOAA

## Final Rule Stage

**Agency Contact:** John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334  
**RIN:** 0648-AQ65

#### 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  
**Legal Deadline:** None

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

##### Timetable:

Action	Date	FR Cite
NPRM	04/14/04	69 FR 19805
NPRM Comment Period End	04/29/04	
Final Action	07/00/04	

**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-AQ82

#### 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  
**Legal Deadline:** None

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

##### Timetable:

Action	Date	FR Cite
NPRM	05/19/04	69 FR 28875

Action	Date	FR Cite
NPRM Comment Period End	06/03/04	
Final Action	07/00/04	

**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-AQ85

#### 476. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SWORDFISH QUOTAS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

**Abstract:** The rule would implement catch quotas for North and South Atlantic swordfish based on recommendations made by the International Commission for the Conservation of Atlantic Tunas at its 2002 meeting.

##### Timetable:

Action	Date	FR Cite
NPRM	06/20/03	68 FR 36967
NPRM Comment Period End	08/04/03	
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AQ90

#### 477. AMENDMENT 66 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH 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 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:

Action	Date	FR Cite
Notice	09/02/03	68 FR 52173
NPRM	10/16/03	68 FR 59564
Comment Period End	12/01/03	
Final Action	04/30/04	69 FR 23681
Final Action Effective	06/01/04	
Correction	07/00/04	

**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; 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

**Abstract:** This rule would implement the trade restrictive measures recommended at the 2002 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

DOC—NOAA

Final Rule Stage

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 another country.

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/04	69 FR 25357
NPRM Comment Period End	06/21/04	
Final Action	09/00/04	

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

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

**RIN:** 0648-AR10**479. ATLANTIC STRIPED BASS FISHERIES IN THE EEZ; MODIFICATION OF FEDERAL REGULATIONS****Priority:** Other Significant**Legal Authority:** 16 USC 1851**CFR Citation:** 50 CFR 697**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
ANPRM	07/21/03	68 FR 43074
ANPRM Comment Period End	08/20/03	
Comment Period Extended	08/26/03	68 FR 51232
Notice of Intent	10/20/03	68 FR 59906
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State

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

**RIN:** 0648-AR33**480. MAXIMUM RETAINABLE AMOUNT****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This regulatory amendment would revise the maximum retainable allowance (MRA) accounting to an offload to offload basis for pollock caught with trawl gear in the BSAI. The objective of this action is to increase retention of pollock taken as incidental catch in the directed fisheries for other, non-pollock groundfish species, but without increasing the overall amount of pollock that has been historically caught as incidental catch in such fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/04	69 FR 4281
NPRM Comment Period End	03/01/04	
Final Action	07/00/04	

**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-AR41**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.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/04	69 FR 25056
NPRM Comment Period End	06/04/04	
Final Action	09/00/04	

**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-AR64

## DOC—NOAA

## Final Rule Stage

**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:**

Action	Date	FR Cite
Notice	12/10/03	68 FR 68854
Comment Period End	02/09/04	
NPRM	01/05/04	69 FR 310
NPRM Comment Period End	02/19/04	
Final Action	05/04/04	69 FR 24532
Correction	07/00/04	

**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 GROUND FISH 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:**

Action	Date	FR Cite
NPRM	01/06/03	68 FR 614
NPRM Comment Period End	02/02/04	
Notice	12/02/03	68 FR 67390
Comment Period End	02/02/04	
Final Action	05/12/04	69 FR 26313
Correction	07/00/04	

**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-AR73**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:**

Action	Date	FR Cite
NPRM	02/11/04	69 FR 6621
NPRM Comment Period End	03/15/04	
Final Action	07/00/04	

**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-AR80**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

## DOC—NOAA

## Final Rule Stage

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:**

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8162
NPRM Comment Period End	03/09/04	
Final Action	05/04/04	69 FR 24524
Correction	07/00/04	

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

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

**RIN:** 0648-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, selective fisheries, and in-season notice procedures.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/05/04	69 FR 25026
Final Rule Effective	05/01/04	
Final Rule Comment Period End	05/20/04	
Correction	07/00/04	

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

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

**RIN:** 0648-AS03

#### 487. • REDUCTION TO HARVEST RESTRICTIONS FOR HARVEST LIMIT AREA ATKA MACKEREL FISHERY IN ALEUTIAN ISLANDS SUBAREA

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 600; 50 CFR 679**Legal Deadline:** None

**Abstract:** This rule would reduce the harvest restrictions for participants in the harvest limit area (HLA) Atka mackerel fishery in the Aleutian Islands by allowing participants assigned to an HLA fishery to harvest Atka mackerel outside of the HLA during the first HLA fishery each season. This rule would allow participants to move Atka mackerel harvest out of areas important to Steller sea lions, and provide the fishing industry the ability to efficiently harvest Atka mackerel.

**Timetable:**

Action	Date	FR Cite
NPRM	06/02/04	69 FR 31085
NPRM Comment Period End	06/17/04	
Final Action	09/00/04	

**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-AS10

#### 488. • TECHNICAL AMENDMENT TO RULEMAKING EXTENDING THE NORTH PACIFIC GROUND FISH FISHERIES OBSERVER PROGRAM BEYOND 2002

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

**Abstract:** This technical amendment will update the terminology in the 50 CFR 679 regulations governing the North Pacific Groundfish Fisheries Observer Program by addressing inconsistencies in cross references to other regulatory text, and omitting redundant text to provide additional clarity.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/04	

**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-AO25**RIN:** 0648-AS20



## DOC—NOAA

## Final Rule Stage

**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:**

Action	Date	FR Cite
NPRM	05/13/04	69 FR 26540
NPRM Comment Period End	05/28/04	
Final Action	07/00/04	

**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-AS28

**490. • REQUEST FOR RESEARCH PROPOSALS SUPPORTED UNDER A RESEARCH SET-ASIDE PROGRAM FOR FISHING YEAR 2006**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would set aside for FY 2006 up to 3 percent of the total allowable landings in certain Mid-Atlantic fisheries to be used for research endeavors under a research set-aside program.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**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-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

**Legal Deadline:** NPRM, Judicial, November 23, 2001, The Federal District Court for the District of Massachusetts order.

Final, Judicial, December 31, 2001, The Federal District Court for the District of Massachusetts order.

**Abstract:** NMFS is preparing regulations to implement a SAM program for the 2002 fishing year, which was identified as a measure under the RPA that resulted from the biological opinions prepared for the Northeast multispecies, monkfish, spiny dogfish, and American lobster fisheries. The 2002 SAM program is intended as an incremental step to provide endangered western North Atlantic right whales protection from entanglement with fishing gear used in those fisheries. NMFS is preparing an EIS for more comprehensive SAM regulations for 2003 and beyond, in accordance with the National Environmental Policy Act (NEPA), to analyze the impacts on the human environment of the management alternatives under consideration. The measures that have been identified for the 2002 SAM proposed rulemaking requires reduction, elimination, and/or modification of certain types of fixed gear (i.e., gillnets and lobster traps) in specific areas off the Atlantic coast of the United States during times of the year when right whales are known to be present in significant concentrations.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/03/01	66 FR 50390
ANPRM Comment Period End	11/02/01	
NPRM	11/28/01	66 FR 59394
NPRM Comment Period End	12/13/01	
Interim Final Rule	01/09/02	67 FR 1142
Interim Final Rule Comment Period End	02/08/02	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Patricia Lawson, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2322

Email: patricia.lawson@noaa.gov

**RIN:** 0648-AP68

**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:**

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Final Action	12/00/04	

## DOC—NOAA

## Final Rule Stage

**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

**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:**

Action	Date	FR Cite
NPRM	12/19/00	65 FR 79328
NPRM Comment Period End	02/20/01	
Final Action	02/00/05	

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

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

**RIN:** 0648-A004

**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**Legal Deadline:** None

**Abstract:** NMFS is regulating subsistence harvest of Cook Inlet Beluga to ensure that the harvest is sustainable and does not substantially delay the recovery of this marine mammal stock. Specific harvest levels and distribution of the harvest will be based upon cooperative agreements with Alaska native organizations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/00	65 FR 59164
NPRM Comment Period End	11/27/00	
Final Rule	04/06/04	69 FR 17973
Final Action	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Organizations, Governmental Jurisdictions**Government Levels Affected:** Tribal, Federal

**Agency Contact:** Thomas C. Eagle, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13725, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2055  
Fax: 301 713-4060  
Email: tom.eagle@noaa.gov

**RIN:** 0648-AO16

**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:**

Action	Date	FR Cite
NPRM	11/12/02	67 FR 68553

Action	Date	FR Cite
NPRM Comment Period End	12/12/02	
Final Action	11/00/04	

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

**Agency Contact:** Patricia Lawson, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2322  
Email: patricia.lawson@noaa.gov

**RIN:** 0648-AQ51

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/04	69 FR 4465
NPRM Comment Period End	03/30/04	
Final Action	09/00/04	

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

**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

**Related RIN:** Related to 1018-AI95**RIN:** 0648-AQ69

## DOC—NOAA

## Final Rule Stage

**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:**

Action	Date	FR Cite
ANPRM	07/09/03	68 FR 40888
ANPRM Comment Period End	09/08/03	
NPRM	04/29/04	69 FR 23477
NPRM Comment Period End	06/01/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**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  
Phone: 301 713-2332

**RIN:** 0648-AR15**498. • LIST OF FISHERIES FOR 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229**Legal Deadline:** None

**Abstract:** With this action, NMFS publishes the annual List of Fisheries (LOF), as required by section 118 of the Marine Mammal Protection Act (MMPA). The LOF for 2004 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the MMPA based upon the levels of mortality and serious injury of marine mammals that occurs within each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/13/04	69 FR 19365
Other/Comment Period Extended	05/13/04	69 FR 26539
NPRM Comment Period End	05/13/04	
Other/NPRM Comment Period Extended	06/14/04	
Final Action	11/00/04	

**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 21668, 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:**

Action	Date	FR Cite
Final Action	07/00/04	

**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

**Related RIN:** Related to 0648-AI85**RIN:** 0648-AS05**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****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:**

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62033
NPRM Comment Period End	12/31/03	
Final Action	10/00/04	

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

## DOC—NOAA

## Final Rule Stage

**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

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 Email: reed.bohne@noaa.gov  
**RIN:** 0648-AQ41

## Department of Commerce (DOC)

## Long-Term Actions

## National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES  
SERVICE501. PROPOSED HIGHLY MIGRATORY  
SPECIES PROCESS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 635

**Timetable:**

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

**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:**

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

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:**  
 Undetermined

**Agency Contact:** Patricia A. Kurkul,  
 Regional Administrator, Northeast  
 Region, NMFS, Department of

Commerce, National Oceanic and  
 Atmospheric Administration, One  
 Blackburn Drive, Gloucester, MA 01930  
 Phone: 978 281-9200

**RIN:** 0648-AS25

503. • AMENDMENT 82 TO THE  
FISHERY MANAGEMENT PLAN FOR  
GROUND FISH OF THE BERING SEA  
AND ALEUTIAN ISLANDS  
MANAGEMENT AREA

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** The amendment would  
 implement section 803 of the  
 Consolidated Appropriations Act of  
 2004 which requires future directed  
 fishing allowances of pollock in the  
 Aleutian Islands to be allocated to the  
 Aleut Corporation. Only fishing vessels  
 under sixty feet long, or AFA listed and  
 approved by the Aleut Corporation or  
 its agents would be allowed to harvest  
 this allowance. The allocation was  
 made to the Aleut Corporation for the  
 purpose of furthering the economic  
 development of Adak.

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Action	Date	FR Cite
Notice	12/22/00	65 FR 80898
Notice Comment Period End	02/20/01	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathryn Conant  
 Phone: 301 713-2325  
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**RIN:** 0648-AO70

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:**

Action	Date	FR Cite
Notice	12/13/00	65 FR 77889
Notice Comment Period End	01/03/01	
Final Action	To Be Determined	

**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  
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**RIN:** 0648-AO84

## DOC—NOAA

## Long-Term Actions

**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****506. REVISION OF OVERFLIGHT REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 922**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**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:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

Action	Date	FR Cite
ANPRM	08/23/00	65 FR 51264
ANPRM Comment	10/23/00	
Period End		

Next Action Undetermined

**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:**

Action	Date	FR Cite
ANPRM	07/02/02	67 FR 44407
ANPRM Comment	09/03/02	
Period End		

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 ENC)s as official data. NOAA intends to offer two types of certification. The first type, "Certified NOAA ENC Distributor," is for NOAA ENC)s downloading, exact copying, and redistribution of those copies of NOAA ENC)s data. The second type, "Certified NOAA ENC Value Added Distributor," permits reformatting official NOAA ENC)s into a System Electronic Navigational Chart (SENC) using type-approved software, and

distribution of that SENC. Both types of certification result in products that meet Federal chart carriage regulations. Both types of certification permit, but do not require, compression, encryption, and packaging with other data. NOAA intends by this action to assure that quality official NOAA ENC data is offered to the public in support of safe navigation on U.S. waters.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

nauticalcharts.noaa.gov/mcd/enc/index.htm

**URL For Public Comments:**

nauticalcharts.noaa.gov/mcd/enc/index.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**NATIONAL OCEAN SERVICE/OFFICE OF MINERAL ENERGY****511. COASTAL ZONE MANAGEMENT ACT FEDERAL CONSISTENCY REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 930**Timetable:**

Action	Date	FR Cite
NPRM	06/11/03	68 FR 34851
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** David W. Kaiser

Phone: 301 713-3155

Fax: 301 713-4367

Email: david.kaiser@noaa.gov

**RIN:** 0648-AR16

## DOC—NOAA

## Long-Term Actions

## OFFICE OF THE ADMINISTRATOR

## 512. REGIONAL MARINE RESEARCH PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Don Scavia

Phone: 301 713-3060

RIN: 0648-AF20

## Department of Commerce (DOC)

## National Oceanic and Atmospheric Administration (NOAA)

## Completed Actions

## 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

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 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.

## Timetable:

Action	Date	FR Cite
Merged With 0648-AP51	04/09/04	

## 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

Related RIN: Merged with 0648-AP51

RIN: 0648-AG87

CFR Citation: 50 CFR 600

Legal Deadline: None

**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.

## Timetable:

Action	Date	FR Cite
Merged With 0648-AR78	11/04/03	

## Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AK84

## 515. AMENDMENT 10 TO 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:** Amendment 10 would extend the FMP requirements for using bycatch reduction devices in shrimp trawls in the exclusive economic zone from Cape San Blas, Florida, east and south to the

boundary line (in South Florida) between the areas of jurisdiction of the Gulf of Mexico and South Atlantic Fishery Management Councils.

## Timetable:

Action	Date	FR Cite
Notice	08/14/03	68 FR 48592
NPRM	09/30/03	68 FR 56252
NPRM Comment Period End	11/24/03	
Final Action	01/09/04	69 FR 1538

## 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-AM23

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

**Legal Deadline:** Final, Statutory, One year from approval of overfishing definitions. 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.

## 514. REVISE EXEMPTED FISHING REGULATIONS TO SPECIFY COMPENSATORY FISHING UNDER EXEMPTED FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

## DOC—NOAA

## Completed Actions

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/03	68 FR 6386
NPRM Comment Period End	03/10/03	
Final Action	01/13/04	69 FR 1930

**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-AM30

**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/restrictions, marine protected areas, no anchoring zones, etc.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/02	67 FR 59824
Correction	10/22/02	67 FR 64861
NPRM Comment Period End	10/24/02	
Final Action	02/24/04	69 FR 8336

**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-AM97

**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.

**Timetable:**

Action	Date	FR Cite
Withdrawn	04/09/04	

**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-AN08

**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.

**Timetable:**

Action	Date	FR Cite
Notice	04/17/03	68 FR 18942
Comment Period Extended	05/05/03	68 FR 23686
NPRM	05/30/03	68 FR 32450
NPRM Comment Period End	06/16/03	
Final Action	10/03/03	68 FR 57375

**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-AN87

## DOC—NOAA

## Completed Actions

**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:**

Action	Date	FR Cite
Notice	09/26/03	68 FR 55573
Notice Comment Period End	11/25/03	
NPRM	11/03/03	68 FR 62267
NPRM Comment Period End	12/18/03	
Final Action	05/27/04	69 FR 30235

**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-A063**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:**

Action	Date	FR Cite
NPRM	12/06/02	67 FR 72629
NPRM Comment Period End	01/06/03	
NPRM Comment Period Extended	01/10/03	68 FR 1430
Final Action	11/10/03	68 FR 63738

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** John Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1917  
Email: john.dunnigan@noaa.gov**RIN:** 0648-AO79**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 end 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:**

Action	Date	FR Cite
Notice	11/04/03	68 FR 62422
Notice Comment Period End	01/05/04	
NPRM	11/25/03	68 FR 66069
NPRM Comment Period End	01/09/04	
Final Action	03/26/04	69 FR 15731

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Roy Crabtree, Regional Administrator, SoutheastRegion, 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-AP03**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**Legal Deadline:** Final, Statutory, May 1, 2001.

Other, Statutory, December 31, 2001, Complete Fishing Capacity Reduction Program.

**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:**

Action	Date	FR Cite
NPRM	12/12/02	67 FR 76329
Correction	12/30/02	67 FR 79550
NPRM Comment Period End	01/28/03	
Comment Period Extended	01/29/03	68 FR 4161
NPRM Comment Period Reopened	04/15/03	68 FR 18185
Second NPRM Comment Period End	04/30/03	
Final Action	12/12/03	68 FR 69331



## DOC—NOAA

## Completed Actions

**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:**

Action	Date	FR Cite
Notice	11/06/03	68 FR 62763
Notice Comment Period End	01/05/04	
Correction	12/01/03	68 FR 67132
NPRM	12/10/03	68 FR 68834

Action	Date	FR Cite
NPRM Comment Period End	01/26/04	
Final Action	04/07/04	69 FR 18444
Final Action Effective	05/07/04	

**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-AP42**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:**

Action	Date	FR Cite
NPRM	10/14/03	68 FR 59151
NPRM Comment Period End	11/13/03	
Final Action	03/30/04	69 FR 16499

**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-AP50**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:**

Action	Date	FR Cite
Notice	08/25/03	68 FR 50998
Notice Comment Period End	10/23/03	
NPRM	09/25/03	68 FR 55358
NPRM Comment Period End	10/27/03	
Final Action	12/16/03	68 FR 69970

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

## DOC—NOAA

## Completed Actions

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

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/02	67 FR 48604
NPRM Comment Period End	08/26/02	
Final Rule	10/08/03	68 FR 58038

**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-AP66

**528. IFQ RECORDKEEPING AND REPORTING REQUIREMENTS FOR CATCHER VESSELS; BSAI AMENDMENT 72 AND GOA AMENDMENT 64**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** Amendments 72/64 will revise the submittal time limit for the individual fishing quotas (IFQ) prior notice of landing; will combine the IFQ shipment report into the groundfish product transfer report; will remove the vessel clearance requirement; will remove authorized IFQ ports of landing from Table 14; and will revise the IFQ departure report.

**Timetable:**

Action	Date	FR Cite
Notice	10/29/02	67 FR 65941

Action	Date	FR Cite
Comment Period End	12/27/02	
NPRM	01/24/03	68 FR 3485
NPRM Comment Period End	02/24/03	
Final Action	07/29/03	68 FR 44473
Correction	08/28/03	68 FR 51711
Correction	10/20/03	68 FR 59889

**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:**

Action	Date	FR Cite
Duplicate of 0648-AQ93	04/13/04	

**RIN:** 0648-AQ21

**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:**

Action	Date	FR Cite
NPRM	04/30/04	69 FR 23715
NPRM Comment Period End	05/17/04	
Final Action	06/04/04	69 FR 31531

**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-AQ22

**531. 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**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** These amendments would address essential fish habitat conservation measures.

**Timetable:**

Action	Date	FR Cite
Withdrawn	04/19/04	

**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

## DOC—NOAA

## Completed Actions

**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This action will set specifications for bluefin tuna (BFT) quotas and General category effort controls for the 2003 fishing year. This action will implement the U.S. annual BFT quota as recommended by the International Commission on Conservation of Atlantic Tunas and allocate that quota among the domestic fishing categories. Effort controls for the General category will allocate monthly quotas and set certain restricted fishing days.

**Timetable:**

Action	Date	FR Cite
NPRM	07/10/03	68 FR 41103
NPRM Comment Period End	08/08/03	
Final Rule	10/02/03	68 FR 56783
Final Action	10/16/03	68 FR 59546

**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-AQ38

### 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:**

Action	Date	FR Cite
NPRM	07/23/03	68 FR 43483

Action	Date	FR Cite
NPRM Comment Period End	08/22/03	
Final Action	01/07/04	69 FR 875

**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-AQ48

### 534. PACIFIC COAST GROUND FISH FISHERY; PACIFIC COAST GROUND FISH 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:**

Action	Date	FR Cite
Notice	05/22/03	68 FR 27972
NPRM	06/13/03	68 FR 35354
NPRM Comment Period End	07/28/03	
Final Action	11/04/03	68 FR 62374

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

**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115-0070  
Phone: 206 526-6150  
Fax: 206 526-6426  
**RIN:** 0648-AQ58

### 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:**

Action	Date	FR Cite
NPRM	04/24/03	68 FR 20096
Correction	05/09/03	68 FR 24914
Comment Period Extended	05/23/03	68 FR 28188
NPRM Comment Period End	05/27/03	
Correction	06/20/03	68 FR 36970
Final Rule	06/27/03	68 FR 38234
Final Rule	07/14/03	68 FR 41549
Final Rule	12/22/03	68 FR 71032
Merged With 0648-AN17	04/19/04	

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

## DOC—NOAA

## Completed Actions

**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-AQ72

### 536. CHANGES TO ELIGIBILITY CRITERIA FOR BERING SEA AND ALEUTIAN ISLANDS CRAB LICENSE LIMITATION PROGRAM

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This rulemaking will amend eligibility criteria for Bering Sea and Aleutian Islands (BSAI) crab species licenses issued under the License Limitation Program which are necessary to participate in the BSAI crab fisheries. This action is necessary to allow participation in the BSAI crab fisheries in a manner intended by the North Pacific Fishery Management Council. The intended effect of this action is to prevent unnecessary restriction on the participation of vessels in the BSAI crab fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	04/30/03	68 FR 22667
NPRM Comment Period End	05/14/03	
Final Action	08/05/03	68 FR 46117

**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  
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**Related RIN:** Related to 0648-AL95

**RIN:** 0648-AQ73

### 537. ANNUAL SPECIFICATIONS FOR THE SURF CLAM AND OCEAN QUAHOG FISHERIES FOR 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 Surf Clam and Ocean Quahog Fisheries for fishing year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/03	68 FR 60324
NPRM Comment Period End	11/21/03	
Final Action	12/22/03	68 FR 71033

**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-AQ79

### 538. ANNUAL SPECIFICATIONS FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES FOR 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 Summer Flounder, Scup, and Black Sea Bass Fisheries for fishing year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	11/28/03	68 FR 66784
NPRM Comment Period End	12/15/03	
Final Action	01/14/04	69 FR 2074

**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-AQ80

### 539. SPECIFICATIONS FOR THE 2004-2005 FISHING YEAR FOR THE SPINY DOGFISH 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 2004-2005 fishing year for the spiny dogfish fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	03/18/04	69 FR 12826
NPRM Comment Period End	04/02/04	
Final Action	04/27/04	69 FR 22734

**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-AQ81

### 540. ANNUAL SPECIFICATIONS FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES FOR 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 Atlantic Mackerel, Squid, and Butterfish Fisheries for fishing year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64579
NPRM Comment Period End	12/15/03	
Final Action	02/02/04	69 FR 4861

**Regulatory Flexibility Analysis**

**Required:** Yes

## DOC—NOAA

## Completed Actions

**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

#### 541. ANNUAL SPECIFICATIONS FOR THE ATLANTIC HERRING FISHERY FOR 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 Atlantic Herring Fishery for fishing year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM Comment Period End	01/12/03	
NPRM	12/12/03	68 FR 69373
Final Action	04/06/04	69 FR 17980
Final Action Effective	05/06/04	

**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-AQ84

#### 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:**

Action	Date	FR Cite
NPRM	10/22/03	68 FR 60327
NPRM Comment Period End	11/06/03	
Final Action	12/16/03	68 FR 69974

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 0648-AQ88

#### 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 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 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:**

Action	Date	FR Cite
NPRM	11/07/03	68 FR 63052
NPRM Comment Period End	11/19/03	
Final Action	12/03/03	68 FR 67607

**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-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:**

Action	Date	FR Cite
Notice	11/15/02	67 FR 69180
NPRM	08/01/03	68 FR 45196
NPRM Comment Period End	09/30/03	
Comment Period Extended	10/30/03	68 FR 54885
Final Action	12/24/03	68 FR 74746

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

## DOC—NOAA

## Completed Actions

**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-AQ95

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, July 2003.

The Coastal Pelagics Fisheries regulations require that the annual specifications for Pacific mackerel will be published in the FR before July 1, the start of the fishing season.

**Abstract:** This rule announces the annual harvest guidelines for Pacific mackerel 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 mackerel 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 mackerel off the Pacific coast.

**Timetable:**

Action	Date	FR Cite
NPRM	07/29/03	68 FR 44518
NPRM Comment Period End	08/13/03	
Final Action	10/03/03	68 FR 57379

**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

#### 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:**

Action	Date	FR Cite
NPRM	12/03/03	68 FR 67638
NPRM Comment Period End	12/17/03	
Final Action	02/25/04	69 FR 8572

**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:**

Action	Date	FR Cite
NPRM	01/29/04	69 FR 4285
NPRM Comment Period End	03/01/04	
Final Action	04/30/04	69 FR 23694

**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  
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Fax: 907 586-7249

**RIN:** 0648-AR07

#### 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 action corrects this error by revising the descriptions of reporting areas 620 and 630 in figure 3 to part 679 to include

## DOC—NOAA

## Completed Actions

all of the Alitak/Deadman Bay of Kodiak Island into area 620.

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/03	68 FR 62423
NPRM Comment Period End	12/04/03	
Final Action	04/23/04	69 FR 21975

**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  
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**RIN:** 0648-AR08

**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:**

Action	Date	FR Cite
NPRM	07/01/03	68 FR 39048
NPRM Comment Period End	07/31/03	
Final Action	10/02/03	68 FR 56789

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

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

**RIN:** 0648-AR11

**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:**

Action	Date	FR Cite
NPRM	11/10/03	68 FR 63747
NPRM Comment Period End	11/28/03	
Final Action	12/24/03	68 FR 74504

**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:**

Action	Date	FR Cite
NPRM	08/25/03	68 FR 51147
NPRM Comment Period End	09/24/03	
Final Action	02/10/04	69 FR 6198

**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  
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**RIN:** 0648-AR13

**552. AMENDMENT 77 TO THE FMP FOR THE GROUND FISH 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

## DOC—NOAA

## Completed Actions

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:**

Action	Date	FR Cite
Notice	07/22/03	68 FR 43342
Comment Period End	09/22/03	
NPRM	08/18/03	68 FR 49416
NPRM Comment Period End	10/02/03	
Final Action	12/01/03	68 FR 67086

**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  
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**Related RIN:** Related to 0648-AN25

**RIN:** 0648-AR31

**553. MODIFICATION OF HOUSING REQUIREMENTS FOR OBSERVERS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory rulemaking will amend the current observer regulations by modifying the housing requirements for observers. This modification of the regulations will provide flexibility in the deployment of observers and ensure the continued collection of high quality observer data.

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/03	68 FR 52378
NPRM Comment Period End	10/03/03	
Final Action	01/13/04	69 FR 1951

**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  
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**RIN:** 0648-AR32

**554. AMENDMENT 16-2 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** NPRM, Statutory, November 2003.  
Final, Statutory, January 2004.

**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:**

Action	Date	FR Cite
Notice	11/07/03	68 FR 63053
Comment Period End	01/06/04	
NPRM	12/05/03	68 FR 67998
NPRM Comment Period End	01/05/04	
Final Action	04/13/04	69 FR 19247

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AR35

**555. AMENDMENT 16-1 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** NPRM, Statutory, August 2003.  
Final, Statutory, November 2003.

**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,



## DOC—NOAA

## Completed Actions

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:**

Action	Date	FR Cite
Notice	08/18/03	68 FR 49415
NPRM	09/05/03	68 FR 52732
NPRM Comment Period End	10/06/03	
Final Action	02/26/04	69 FR 8861

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

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

**RIN:** 0648-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 660**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 or NMFS have made any decision yet. They might decide to limit new entry to some or all of these fisheries or might decide to take no action at all.

**Timetable:**

Action	Date	FR Cite
Final Action	08/28/03	68 FR 51763
Final Action Effective	09/29/03	

**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:**

Action	Date	FR Cite
Withdrawn	04/19/04	

**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

## DOC—NOAA

## Completed Actions

to be counted against that State's summer quota allocation.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/03	68 55283
NPRM Comment Period End	10/09/03	
Final Action	11/03/03	68 FR 62250

**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-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:**

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15778
NPRM Comment Period End	04/26/04	
Final Action	06/01/04	69 FR 30839

**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

### 560. FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA; REVISIONS TO OBSERVER PROGRAM IN THE NORTH PACIFIC GROUND FISH 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:**

Action	Date	FR Cite
Final Action	08/18/03	68 FR 49374

**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-AM44

**RIN:** 0648-AR46

### 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:**

Action	Date	FR Cite
NPRM	10/27/03	68 FR 61178
NPRM Comment Period End	11/12/03	
Proposed Rule	12/30/03	68 FR 75202
Comment Period End	01/20/04	
Final Action	02/12/04	69 FR 6921

**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-AR48

### 562. IMPLEMENT ELECTRONIC DEALER REPORTING AND ADJUSTMENTS TO VESSEL REPORTING REQUIREMENTS

**Timetable:**

Action	Date	FR Cite
Duplicate of 0648-AR79	01/21/04	

**RIN:** 0648-AR49

### 563. PACIFIC COAST GROUND FISH FISHERY; ANNOUNCEMENT OF THE 2004 GROUND FISH 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:**

Action	Date	FR Cite
NPRM	01/08/04	69 FR 1380
NPRM Comment Period End	02/09/04	
Final Action	03/09/04	69 FR 11064
Final Action	04/30/04	69 FR 23667
Correction	05/05/04	69 FR 25013
Other/Correction	05/18/04	69 FR 28086

## DOC—NOAA

## Completed Actions

**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 48115-0070  
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:**

Action	Date	FR Cite
NPRM	01/09/04	69 FR 1561
NPRM Comment Period End	02/09/04	
Final Action	03/04/04	69 FR 10174

**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-AR58**565. FRAMEWORK 4 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:** Framework 4 would to allow, under certain circumstances, the at-sea

transfer of scup from one vessel to another. The intent of this action is to minimize discards of scup that may occur when a vessel exceeds its possession limit on a large tow of scup.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/04	69 FR 3300
NPRM Comment Period End	02/09/04	
Final Action	03/29/04	69 FR 16175

**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 GROUND FISH 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 Fishery Conservation and Management Act, the Pacific Fishery Management Council makes recommendations to NMFS to set allowable harvest levels for Pacific Coast groundfish, and recommends management measures for commercial and recreational fisheries that are designed to achieve those harvest levels. Management measures must rebuild overfished species, which means that allowable harvest levels of healthy species will only be achieved where such harvest will not deter rebuilding of overfished and depleted stocks. Commercial management measures include landings 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:**

Action	Date	FR Cite
Final Rule	01/08/04	69 FR 1322
Correction	01/28/04	69 FR 4084

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115-0070  
Phone: 206 526-6150  
Fax: 206 526-6426**RIN:** 0648-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:**

Action	Date	FR Cite
Final Action	10/28/03	68 FR 61339
Correction	11/04/03	68 FR 62501
Correction	11/18/03	68 FR 64986

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

## DOC—NOAA

## Completed Actions

**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-AR71

**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:**

Action	Date	FR Cite
Notice	12/18/03	68 FR 70484
Comment Period End	02/17/04	
Final Action	04/05/04	69 FR 17651
Correction	04/13/04	69 FR 19408

**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-AR74

**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 Fishery Management Plan (FMP) based on supplemental information provided by the Mid-Atlantic Fishery Management Council (Council) that supports the Council's preferred limited entry alternative in the FMP. The vessel permit requirements, which are specified under 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:**

Action	Date	FR Cite
NPRM	02/11/04	69 FR 6635
NPRM Comment Period End	03/12/04	
Final Action	04/26/04	69 FR 22454

**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-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:**

Action	Date	FR Cite
NPRM	01/21/04	69 FR 2870
NPRM Comment Period End	02/20/04	
Final Action	03/23/04	69 FR 13482

**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-AR79

**571. • ANNOUNCEMENT OF DEVELOPMENT OF AND ESTABLISHMENT OF CONTROL DATE FOR TRAWL INDIVIDUAL QUOTA PROGRAM IN THE PACIFIC COAST GROUND FISH 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 trawl 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

## DOC—NOAA

## Completed Actions

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 to 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:**

Action	Date	FR Cite
Final Action	01/09/04	69 FR 1563

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AR82

**572. • CONSERVE SEA TURTLES IN THE WESTERN PACIFIC PELAGIC FISHERIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Judicial, April 2004.

**Abstract:** This final rule establishes a number of conservation and management measures for the fisheries managed under the FMP. This final rule is intended to achieve certain objectives of the FMP, including achieving optimum yield for FMP-managed species while avoiding the likelihood of jeopardizing the continued existence of any species listed as endangered or threatened under the Endangered Species Act. This final rule eliminates a seasonal closure for longline fishing in an area south of the Hawaiian Islands and

reopens the swordfish-directed component of the Hawaii-based longline fishery. In order to minimize adverse impacts on sea turtles, the swordfish component of the Hawaii-based longline fishery will be subject to restrictions on the types of hooks and bait that may be used, annual fleetwide limits on fishery interactions with leatherback and loggerhead sea turtles, an annual fleetwide limit on fishing effort, and other mitigation measures.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/04	69 FR 4098
NPRM Comment Period End	02/27/04	
Final Action	04/02/04	69 FR 17329

**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-AR84

**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:** None

**Abstract:** This action would establish 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:**

Action	Date	FR Cite
NPRM	02/24/04	69 FR 8364
NPRM Comment Period End	03/10/04	
Final Action	04/07/04	69 FR 18291

**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-AR89

**574. • COMMERCIAL PENAID 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

## DOC—NOAA

## Completed Actions

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:**

Action	Date	FR Cite
Final Action	03/04/04	69 FR 10189

**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-AR91**575. • EMERGENCY RULE TO IMPLEMENT MANAGEMENT MEASURES FOR THE 2004 ATLANTIC SEA SCALLOP FISHING YEAR****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**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:**

Action	Date	FR Cite
NPRM	02/04/04	69 FR 5307
NPRM Comment Period End	02/19/04	
Final Action	03/03/04	69 FR 9970

**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

**Related RIN:** Related to 0648-AN16**RIN:** 0648-AR92**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 the Halibut Catch Sharing Plan and to halibut sport fishing management.

**Timetable:**

Action	Date	FR Cite
Final Action	02/27/04	69 FR 9230

**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-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. Lands 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:**

Action	Date	FR Cite
Final Action	03/09/04	69 FR 10990

**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-AR98

## DOC—NOAA

## Completed Actions

**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 223**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 Period End	08/05/02	
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-AP94**579. TAKING OF THREATENED OR ENDANGERED SPECIES INCIDENTAL TO COMMERCIAL FISHING OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**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 Period End	10/21/02	
Interim Final Rule	12/24/02	67 FR 78388
Interim Final Rule Comment Period End	02/07/03	
Comment Period Extended	02/12/03	68 FR 7080
Final Action	12/16/03	68 FR 69962

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**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**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	06/05/03	68 FR 33805

Action	Date	FR Cite
NPRM Comment Period End	08/04/03	
Comment Period Extended	10/09/03	68 FR 58298
Final Action	12/08/03	68 FR 68254

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, Local, State, Tribal

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

**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**581. ALASKA TRANSIENT KILLER WHALES (AT1 GROUP) DESIGNATED AS DEPLETED****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216

**Legal Deadline:** NPRM, Statutory, June 16, 2003, MMPA requires that a proposed rule be published within 210 days of receipt of the petition.

**Abstract:** After reviewing a petition received from members of the public, NMFS amends its regulations to designate the AT1 group of Alaska Transient Killer Whales as a depleted population stock pursuant to the Marine Mammal Protection Act.

**Timetable:**

Action	Date	FR Cite
NPRM Comment Period End	01/22/03	
NPRM	10/24/03	68 FR 60899
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

## DOC—NOAA

## Completed Actions

Phone: 301 713-2332

RIN: 0648-AR14

### 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:**

Action	Date	FR Cite
NPRM	12/17/03	68 FR 70219
NPRM Comment Period End	01/16/04	
Final Action	03/11/04	69 FR 11540

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**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  
Phone: 301 713-2332

RIN: 0648-AR53

### 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:**

Action	Date	FR Cite
NPRM	02/06/04	69 FR 5810
NPRM Comment Period End	03/08/04	
Hearing	02/19/04	69 FR 7719
Final Action	05/05/04	69 FR 24997

**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-AR69

### 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:**

Action	Date	FR Cite
NPRM	12/03/03	68 FR 67629
NPRM Comment Period End	12/18/03	
Final Action	02/06/04	69 FR 5720

**Regulatory Flexibility Analysis**

**Required:** 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  
Phone: 301 713-2332

RIN: 0648-AR70

### 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:**

Action	Date	FR Cite
Final Action	03/02/04	69 FR 9759

**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  
Phone: 301 713-2332

**Related RIN:** Related to 0648-AH33

RIN: 0648-AR94

### 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 excluder device (TED) regulations that require most shrimp trawlers to use TEDs in the southeastern Atlantic and the Gulf of Mexico, to reduce the



## DOC—NOAA

## Completed Actions

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:**

Action	Date	FR Cite
NPRM	04/16/04	69 FR 20571
NPRM Comment Period End	05/03/04	
Final Action	06/02/04	69 FR 31035

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

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

**RIN:** 0648-AS02
**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)**

## 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(8)(2)(A)

**CFR Citation:** 37 CFR 2.101; 37 CFR 2.105; 37 CFR 2.111; 37 CFR 2.113; 37 CFR 2.119; 37 CFR 2.120(a); 37 CFR 2.120(d) to (g); 37 CFR 2.120(i) to (j); 37 CFR 2.121(a) to (b); 37 CFR 2.127(e)

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office amends its rules of practice in connection with inter partes proceedings before the Trademark Trial and Appeal Board to require initial disclosure of certain information, to make a telephone conference a prerequisite to the filing of an unconsented motion, and to permit service of documents by e-mail.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** James David Sams, Chief Administrative Trademark Judge, Department of Commerce, Patent and Trademark Office, ST-9A03, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202  
Phone: 703 308-9300  
Fax: 703 308-9092  
Email: david.sams@uspto.gov

**RIN:** 0651-AB56**588. FAST TRACK EXAMINATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1123; 35 USC 2; ...

**CFR Citation:** 37 CFR 2.2; 37 CFR 2.6; 37 CFR 2.22; 37 CFR 2.23; 37 CFR 2.62; ...

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office amends its rules to permit an applicant to obtain examination of an application for registration of a mark at a reduced fee if the applicant files a complete application through the Trademark Electronic Application System (TEAS),

responds to Office actions within two months of the mailing date, files communications regarding the application through TEAS, and authorizes the Office to send communications concerning the application by electronic mail. The Office also proposes to charge graduated fees for filing trademark applications, based upon the costs the Office incurs in processing the application.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	12/00/04	

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** Mary E. Hannon, Staff Attorney, Department of Commerce, Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202  
Phone: 703 308-8900  
Fax: 703 872-9280  
Email: mary.hannon@uspto.gov

**RIN:** 0651-AB62
**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)**

## Final Rule Stage

**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.

## DOC—PTO

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/26/03	68 FR 66648
Final Action	07/00/04	

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

**Agency Contact:** Jeffrey V. Nase, Administrative Patent Judge, Department of Commerce, Patent and Trademark Office, Board of Patent Appeals and Interferences, P. O. Box 1450, Alexandria, VA 22313  
Phone: 703 308-9797  
Fax: 703 305-0942  
Email: bpai.rules@uspto.gov

**Related RIN:** Related to 0651-AB27, Related to 0651-AB57

**RIN:** 0651-AB32

### 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.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/03	68 FR 53815
NPRM Comment	11/12/03	
Period End		
Final Rule	07/00/04	
Final Rule Effective	09/00/04	

**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-AB64

### 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/03	68 FR 70482
NPRM Comment	02/02/04	
Period End		
Final Action	07/00/04	

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

**Agency Contact:** Mary E. Hannon, Staff Attorney, Department of Commerce,

Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202  
Phone: 703 308-8900  
Fax: 703 872-9280  
Email: mary.hannon@uspto.gov

**RIN:** 0651-AB67

### 592. REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2005

**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 41; 35 USC 376; 35 USC 2(b)2**CFR Citation:** 37 CFR 1.16 to 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492

**Legal Deadline:** Final, Statutory, October 1, 2004, Final Action Effective Date.

**Abstract:** This rulemaking revises certain patent and trademark fees to reflect fluctuations in the Consumer Price Index (CPI) consistent with PL 105-358, as amended by PL 106-113.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/04	69 FR 25861
Final Action	08/00/04	
Final Action Effective	10/00/04	

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

**Agency Contact:** Tamara McClure, Financial Systems Analyst, Department of Commerce, Patent and Trademark Office, 2011 Crystal Drive, Arlington, VA 22202  
Phone: 703 308-5075  
Email: tamara.mcclure@uspto.gov

**RIN:** 0651-AB70

### 593. • ELIMINATION OF CREDIT CARDS AS PAYMENT FOR REPLENISHING DEPOSIT ACCOUNTS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2**CFR Citation:** 37 CFR 1.23(b); 37 CFR 1.25(c)(2); 37 CFR 2.207(b); 37 CFR 2.208(c)(2)**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office (Office) is amending its rules of practice to eliminate acceptance of credit cards as payment for replenishing deposit accounts. Deposit account holders may still

## DOC—PTO

## Final Rule Stage

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](http://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:**

Action	Date	FR Cite
Final Action	07/00/04	

**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)**

## Long-Term Actions

**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:**

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr

Phone: 703 305-8850

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Email: [robert.bahr@uspto.gov](mailto: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:**

Action	Date	FR Cite
NPRM	12/12/03	68 FR 66648
NPRM Comment Period End	02/12/04	
Notice	03/03/04	69 FR 9986
Comment Period End	06/11/04	
Final Action	To Be	Determined

**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:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr

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Email: [robert.bahr@uspto.gov](mailto:robert.bahr@uspto.gov)

**Related RIN:** Related to 0651-AB54

**RIN:** 0651-AB69

**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)**

## Completed Actions

**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:**

Action	Date	FR Cite
NPRM	05/12/02	67 FR 35081
Withdrawn	04/20/04	

**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

## DOC—PTO

## Completed Actions

**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 patents. 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:**

Action	Date	FR Cite
NPRM	04/28/03	68 FR 22343
NPRM Comment Period End	06/27/03	
Final Action	12/22/03	68 FR 70996
Final Action Effective	01/21/04	

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

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**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:**

Action	Date	FR Cite
NPRM	05/30/03	68 FR 32441
NPRM Comment Period End	06/30/03	
Final Action	10/20/03	68 FR 59881
Final Action Effective	01/01/04	

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

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**Related RIN:** Related to 0651-AB54**RIN:** 0651-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:**

Action	Date	FR Cite
NPRM	06/27/03	68 FR 38258
NPRM Comment Period End	08/26/03	
Final Action	05/26/04	69 FR 29865
Final Action Effective	06/25/04	

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

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**RIN:** 0651-AB63

## DOC—PTO

## Completed Actions

**601. • REVISION 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:**

Action	Date	FR Cite
NPRM	12/04/03	68 FR 67818
NPRM Comment Period End	01/05/04	

Action	Date	FR Cite
Final Action	04/22/04	69 FR 21704
Final Action Effective	05/24/04	

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

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**RIN:** 0651-AB71**Department of Commerce (DOC)  
Technology Administration (TA)****Proposed Rule Stage****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:**

Action	Date	FR Cite
NPRM	09/00/04	

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

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**RIN:** 0692-AA19**Department of Commerce (DOC)  
Technology Administration (TA)****Final Rule Stage****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:**

Action	Date	FR Cite
Interim Final Rule	08/14/95	60 FR 41811

Action	Date	FR Cite
Interim Final Rule Comment Period End	09/13/95	
Final Action	10/00/04	

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

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**RIN:** 0692-AA14**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

DOC—TA

Final Rule Stage

rule and will be making minor changes to the regulation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/07/96	61 FR 40997
Interim Final Rule Effective	08/07/96	
Final Action	01/00/05	

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

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**RIN:** 0692-AA15
**Department of Commerce (DOC)  
Technology Administration (TA)**
**Completed Actions**
**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:**

Action	Date	FR Cite
NPRM	09/11/00	65 FR 54826
Final Action	04/02/04	69 FR 17299

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

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**RIN:** 0692-AA18

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