



Federal Register

**Monday,
December 13, 2004**

Part IV

**Department of
Commerce**

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

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

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

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

Fall 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 spring 2004 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department’s fall 2004 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2004, through September 30, 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 August 18, 2004, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2004 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 Councils’ 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 fall 2004 regulatory agenda follows.

Jane Dana,
Acting General Counsel.

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
450	Change in Reporting Requirements for BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate	0691-AA57
451	Change in Reporting Requirements for BE-11, Annual Survey of U.S. Direct Investment Abroad	0691-AA58

DOC**Bureau of Economic Analysis—Final Rule Stage**

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

Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
454	International Services Surveys: BE-9, Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States	0691-AA55
455	International Services Surveys: BE-22, Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons	0691-AA56

Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
456	Full Mandatory Automated Export System (AES) Filing for Export Shipments	0607-AA38

Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
457	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
458	Establishment of the 2010 Census Redistricting Program	0607-AA42

Bureau of the Census—Completed Actions

Sequence Number	Title	Regulation Identifier Number
459	Amendments to Age Search Fee Structure	0607-AA41

Economic Development Administration—Proposed Rule Stage

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

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General Administration—Long-Term Actions

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

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
462	Disclosure of Government Information	0605-AA18

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
463	Proposed Amendment to Regulation Concerning Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings	0625-AA66

International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
464	Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders	0625-AA51
465	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
466	Commercial Availability of Fabric and Yarn	0625-AA59
467	Steel Import Licensing and Surge Monitoring	0625-AA64

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
468	Changes in the Insular Possessions Watch, Watch Movements, and Jewelry Program	0625-AA65

Bureau of Industry and Security—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
469	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
470	Chemical Weapons Convention Regulations	0694-AB06
471	Short Supply Controls: Crude Oil Exports	0694-AC25
472	Removal of Licensing Exemption for Exports and Reexports of Missile Technology-Controlled Items Destined to Canada	0694-AC48
473	Knowledge Definition, Safe Harbor, Red Flags	0694-AC94
474	Export Administration Regulations: Removal of Country Groups	0694-AD09

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

Sequence Number	Title	Regulation Identifier Number
475	Additional Protocol Regulations	0694-AD26

Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
476	Exports and Reexports to Sudan	0694-AC05
477	Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications via BIS's Simplified Network Application Process (SNAP)	0694-AC20
478	License Exception AVS: Cuba, Libya, and Serbia	0694-AC33
479	Clarifications to Part 753: Special Comprehensive License Requirements	0694-AC34
480	License Application Denial Policy, "Red Flag" Indicators of Possible Inappropriate End-Use, End-User, or Destination	0694-AC68
481	Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the United States Munitions List	0694-AC74
482	Export and Reexport Controls on Iraq	0694-AC84
483	Revisions to the Export Administration Regulations: Missile Technology Production Equipment and Facilities Controlled Under ECCNs 9B115 and 9B116	0694-AC93
484	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
485	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
486	Revision of Licensees' Responsibility To Communicate License Conditions	0694-AD05
487	Adding Systems, Including Cameras, Incorporating Non-Space Qualified Non-Linear (2-Dimensional), Infrared Focal Plane Arrays Based on Silicon (Including Silicon-Germanium) Microbolometer Materials	0694-AD06
488	Clarification of "Space-Qualified" Parts, Components, and Technology Subject to the Export Administration Regulations	0694-AD07
489	Revisions and Clarifications to the Export Administration Regulations	0694-AD08
490	Implementation of the Wassenaar Arrangement Statement of Understanding on the Control of Non-Listed Dual-Use Items	0694-AD10
491	Revisions to Export Administration Regulations as a Result of Membership Expansion of North Atlantic Treaty Organization (NATO)	0694-AD11
492	Entity List: Removal of Four Russian Entities	0694-AD12
493	India: Removal of Indian Entity and Revision in License Review Policy for Certain Indian Entities and a Clarification	0694-AD13
494	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
495	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
496	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
497	Encryption Export and Reexport Controls Revisions	0694-AD19
498	Export Administration Regulations: Establish Special Intra-Company License (SIL)	0694-AD22
499	Cuba: Revision of Personal Baggage Rule	0694-AD23
500	Licensing Policy for Entities Sanctioned under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau	0694-AD24
501	Implementation of the Understandings Reached at the June 2004 Australia Group (AG) Plenary Meeting; Clarifications to the Scope of ECCNs 1A004, 1A995, and 2B351	0694-AD25
502	Exports of Nuclear-Grade Graphite: Change in Licensing Jurisdiction	0694-AD28
503	Export Administration Regulations: Clarifications to Deemed Export and Reexport Policy	0694-AD29
504	Revisions and Clarifications to the Export Administration Regulations	0694-AD30
505	Nomenclature Change: References to Another Agency	0694-AD31
506	Technical Corrections to the Export Administration Regulations	0694-AD32
507	Clarification on License Exception Restrictions as Relating to Exports and Reexports of Crime Control and Detection Instrument Equipment, and Related Technology and Software	0694-AD33
508	Removal of Certain Night Vision Devices from Eligibility for License Exception APR for Reexports To, From, and Among Country Group A:1	0694-AD34

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Bureau of Industry and Security—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
509	Export Administration Regulations: Support Documentation	0694-AC04
510	Expansion of License Exception GOV; Exports and Reexports to International Organizations	0694-AC15
511	De Minimis Expansion of Eligibility: U.S.-Origin Software Incorporated Into Foreign-Made Retail Commodities	0694-AC17
512	Revision to the Export Administration Regulations: Replacement Licenses	0694-AC23
513	Chemical Weapons Convention: Revisions to the Export Administration Regulations	0694-AC35
514	Revisions to the Export Administrative Regulations: Removal of the List of Missile Projects From Certain Country Groups and Revisions to Missile Controls	0694-AC46
515	Revision, Suspension, or Prohibition of Use of "No License Required" Provisions	0694-AC47
516	Revisions to License Exception TSR: Expansion to Scope of Eligible Countries	0694-AC71
517	Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices	0694-AC82
518	License Exception GOV Exports and Reexports for Official IAEA International Inspection and Verification Use in Accordance with the U.S.-IAEA Safeguards Agreement, as Amended by the Additional Protocol	0694-AD27

Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identifier Number
519	Clarification of License Exception GFT (Humanitarian Donations)	0694-AB49
520	Revisions of Energetic Material Export Licensing Jurisdiction Based on Review of the United States Munitions List	0694-AC75
521	Clarification of Export Controls on Parts for Military Vehicles	0694-AC91
522	Microprocessor Technology Eligible for Export or Reexport Under License Exception	0694-AD02
523	Revision of Export and Reexport Restrictions on Cuba	0694-AD17
524	Revocation of General Order No. 3 Imposing License Requirements on Shaykh Hamad bin Ali bin Jaber al-Thani and Entities Related to or Controlled by Him	0694-AD21

National Institute of Standards and Technology—Completed Actions

Sequence Number	Title	Regulation Identifier Number
525	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
526	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes	0648-AS49
527	Notice of Control Date for the Purpose of Limiting Entry to the General Category Fishery; Atlantic Sea Scallop Fishery Management Plan (FMP)	0648-AS82

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
528	Adjustment of Management Program: Bottomfish Fisheries in the Hawaiian Islands	0648-AK82
529	Amendment 12 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region	0648-AL67
530	Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region	0648-AM98
531	Amendment 18A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648-AN09
532	Measures to Prevent or Mitigate and Conserve, Manage, and Allow Full Utilization of Sharks	0648-AN76
533	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
534	Amendment 22 to the Reef Fish Fishery Management Plan	0648-AP02

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

Sequence Number	Title	Regulation Identifier Number
535	Revision of American Lobster Regulations for the EEZ	0648-AP18
536	Regulatory Amendment To Implement Permit Stacking in the Limited-Entry Fixed-Gear Sablefish Fishery in 2005 and Beyond	0648-AP38
537	Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean	0648-AP51
538	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9	0648-AP60
539	Implementation of the Regulatory Changes Resulting From the Amendments and Extension of the South Pacific Tuna Act	0648-AP61
540	Amendment 71A to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area	0648-AP67
541	Regulatory Amendment to Section 679 Permits or Permit-Related Issues	0648-AQ07
542	Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs	0648-AQ20
543	Amendment 2 to Monkfish Fishery Management Plan	0648-AQ25
544	Fisheries of the United States; National Standard 1	0648-AQ63
545	Amendment 1 to the Atlantic Herring Fishery Management Plan	0648-AQ87
546	Turtle Mitigation for Non-Hawaii-Based Pelagic Longline and Non-Longline Vessels	0648-AQ91
547	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
548	Regulatory Rulemaking To Revise Accounting for Externally Tagged Halibut	0648-AR09
549	Catcher Vessel Electronic Report	0648-AR30
550	Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations	0648-AR33
551	Amendment 13B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region	0648-AR38
552	Annual Specifications for Fishing Year 2005 for the Summer Flounder, Scup, and Black Sea Bass Fishery	0648-AR51
553	Annual Specifications for the Surf Clam and Ocean Quahog Fishery for Fishing Year 2005-2007	0648-AR52
554	Annual Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery for Fishing Year 2005	0648-AR56
555	Annual Specifications for the Atlantic Bluefish Fishery for Fishing Year 2005	0648-AR57
556	Annual Specifications for the Deep-Sea Red Crab Fishery for Fishing Year 2005	0648-AR59
557	Atlantic Highly Migratory Species (HMS); Amendment 2 to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks	0648-AR60
558	Atlantic Highly Migratory Species (HMS); Amendment 2 to the Atlantic Billfish Fishery Management Plan	0648-AR61
559	Full Retention and Monitoring Program in the Shorebased Pacific Whiting Fishery	0648-AR63
560	Amendment 8 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region	0648-AR65
561	Regulatory Amendment To Add and Revise Certain Species Codes in 50 CFR 679	0648-AR67
562	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AR72
563	Consideration of Revision to Essential Fish Habitat (EFH) Guidelines (50 CFR Part 600)	0648-AR76
564	Revisions To Revise the Definitions of Exempted Fishing and Scientific Research	0648-AR78
565	Atlantic Highly Migratory Species (HMS); 2004 Bluefin Tuna Quota Specifications and General Category Effort Controls	0648-AR86
566	Gear Identification Markings on Buoys	0648-AR90
567	Individual Fishing Quota for Guided Recreational Charter Halibut Fishery	0648-AR96
568	CDQ Transfer, Eligible Vessels, and Fishing Plan Regulations	0648-AS00
569	Fish and Seafood Promotion Act	0648-AS09
570	Community Development Quota Regulatory Amendment To Modify Several Fishery Management Elements of the CDQ Program	0648-AS13
571	Amendment 13 to Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters	0648-AS15
572	Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region	0648-AS16
573	Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine	0648-AS17
574	Eastern Pacific Tuna Controls	0648-AS18
575	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
576	Annual Recreational Specifications for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2005	0648-AS21
577	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery	0648-AS22
578	Specifications for the 2005 Fishing Year for the Atlantic Herring Fishery	0648-AS23
579	Specifications for the Spiny Dogfish Fishery for Fishing Year 2005	0648-AS24
580	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery	0648-AS25
581	Regulatory Amendment To Establish Measures Authorizing the Optional Use of Electronic Logbook Forms in the Western Pacific Fisheries	0648-AS29

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

Sequence Number	Title	Regulation Identifier Number
582	Measures To Reduce Interactions With Seabirds in the Hawaii-Based Longline Fishery	0648-AS30
583	Amendment 6 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region ...	0648-AS31
584	Framework 40B to the Northeast Multispecies Fishery Management Plan	0648-AS33
585	Framework 1 to the Red Crab Fishery Management Plan	0648-AS35
586	Amendment 82 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area	0648-AS37
587	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
588	Fee System for Repayment of the Loan to Harvesters of Bering Sea/Aleutian Islands King and Tanner Crabs	0648-AS46
589	Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs—Crab Rationalization Program (Reg Plan Seq No. 32)	0648-AS47
590	Amendment Number 15 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Region	0648-AS53
591	Seasonal Closure of Grammanik Bank	0648-AS56
592	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel	0648-AS59
593	Revisions to the Pacific Halibut Catch Sharing Plan for 2005 and Beyond	0648-AS61
594	Establish Management Measures for the Commonwealth of the Northern Mariana Islands Bottomfish Fishery Under the Western Pacific Bottomfish and Seamount Groundfish FMP	0648-AS63
595	Revise Precious Coral Measures To Increase the Protection of Black Coral Resources in Hawaii	0648-AS64
596	Generic Amendment for Addressing Essential Fish Habitat Requirements, Habitat Areas of Particular Concern, and Gear Restrictions for All Fishery Management Plans of the Gulf of Mexico	0648-AS66
597	Amendment 26 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico To Establish a Red Snapper Individual Fishing Quota Program	0648-AS67
598	Amendment 25 to the Reef Fish Fishery Management Plan for the Reef Fish Resources in the Gulf of Mexico	0648-AS68
599	Amendment 24 to the Reef Fish Fishery Management Plan for the Reef Fish Resources in the Gulf of Mexico	0648-AS69
600	Establish Management Measures for the Western Pacific Squid Fishery	0648-AS71
601	Annual Adjustment to Measures for the Monkfish Fishery for the 2005 Fishing Year	0648-AS72
602	Framework Adjustment 1 to the Red Crab Fishery Management Plan	0648-AS73
603	Adjustment of Quota Overages in the U.S./Canada Area	0648-AS74
604	Amendment to Regulations Implementing the Antarctic Marine Living Resources Convention Act of 1984	0648-AS75
605	Individual Fishing Quota Program; Restructure Date-Specific Quota Share Regulations	0648-AS77
606	List of Fisheries for 2005	0648-AS78
607	Correct and Clarify Amendment 13 to the Northeast Multispecies Fishery Management Plan	0648-AS80
608	Clarify the Days-at-Sea (DAS) Baseline Allocation Procedure Implemented in Amendment 13 to the Northeast Multispecies Fishery Management Plan	0648-AS81
609	Hydropower/Mandatory Conditions Review Process (MCRP) Rule	0648-AS55
610	North Atlantic Whale Protection	0648-AM85
611	Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild	0648-AN43
612	Designate Critical Habitat for 7 Evolutionarily Significant Units (ESUs) of Pacific Salmon and Steelhead in California (Reg Plan Seq No. 30)	0648-AO04
613	Endangered and Threatened Species: Permit Exemptions	0648-AO37
614	Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska	0648-AP62
615	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Conducting Oil and Gas Exploration Activities in the Gulf of Mexico	0648-AQ71
616	Designate Critical Habitat for 13 Evolutionarily Significant Units (ESUs) of Pacific Salmon and Steelhead in Washington, Oregon and Idaho (Reg Plan Seq No. 31)	0648-AQ77
617	Regulations Implementing the Bottlenose Dolphin Take Reduction Plan	0648-AR39
618	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations	0648-AS01
619	Taking and Importing Marine Mammals: Military Readiness Activities and Scientific Research Activities Conducted by or on Behalf of the Federal Government	0648-AS06
620	Regulations Governing the Approach to North Atlantic Right Whales	0648-AS76
621	Civil Procedures Governing Prosecution and Administrative Proceedings	0648-AS54
622	Sea Turtle Conservation; Exceptions to Taking Prohibitions for Endangered Sea Turtles	0648-AS57
623	Certification Requirements for NOAA Electronic Navigational Chart Distribution	0648-AR87
624	Quality Assurance Program for Hydrographic Products	0648-AS50
625	Northwest Hawaiian Islands National Marine Sanctuary; Designation and Implementation of Regulations (Reg Plan Seq No. 33)	0648-AS83

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

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National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
626	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery	0648-AK26
627	Proposed Highly Migratory Species Process	0648-AK40
628	Full Retention of Demersal Shelf Rockfish in Gulf of Alaska Area 650	0648-AP73
629	Atlantic Highly Migratory Species (HMS); Bigeye Tuna and Swordfish Trade Statistical Document Programs	0648-AQ37
630	Atlantic Highly Migratory Species: Billfish and Swordfish Recreational Fishing	0648-AQ65
631	Atlantic Highly Migratory Species; Atlantic Swordfish Quotas	0648-AQ90
632	Amendment 11 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (American Samoa Limited Access Program)	0648-AQ92
633	Atlantic Highly Migratory Species; Trade Restrictive Measures	0648-AR10
634	Framework 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery	0648-AR50
635	Framework 16 to the Atlantic Sea Scallop Fishery Management Plan and Framework Adjustment 39 to the Northeast Multispecies Fishery Management Plan	0648-AR55
636	Amendment 48 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands and Gulf of Alaska	0648-AR77
637	Halibut Subsistence II	0648-AR88
638	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel	0648-AR97
639	Atlantic Highly Migratory Species; Atlantic Shark Commercial Management Measures	0648-AS08
640	Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures	0648-AS27
641	Request for Research Proposals Supported Under a Research Set-Aside Program for Fishing Year 2006	0648-AS32
642	Framework 40A to the Northeast Multispecies Fishery Management Plan	0648-AS34
643	Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean	0648-AS39
644	Gulf of Alaska Steller Sea Lion Protection Measures Revisions	0648-AS41
645	Reorganize, by Redesignation, the Fishing Capacity Reduction Program (FCRP) Regulations and FCRP Fee System Regulations	0648-AS44
646	2005-2006 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648-AS58
647	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
648	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives	0648-AO16
649	Atlantic Large Whale 2002 Seasonal Area Management (SAM) Program	0648-AP68
650	Listing Determinations for 27 Evolutionarily Significant Units (ESUs) of West Coast Salmon and Oncorhynchus Mykiss (Reg Plan Seq No. 34)	0648-AR93
651	Taking Marine Mammals Incidental to Navy Operation	0648-AR99
652	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean	0648-AS45
653	Sea Turtle Requirements for Commercial Shrimp Fishing	0648-AS79
654	Gray's Reef National Marine Sanctuary	0648-AQ41

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

National Oceanic and Atmospheric Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
655	Generic Amendment To Provide for Regulations of Offshore Aquaculture of Selected Fish	0648-AS65
656	Amendment 17 to the Coastal Migratory Fishery Management Plan of the Gulf of Mexico and South Atlantic	0648-AS70
657	Right Whale Ship Strike Reduction	0648-AS36
658	Revision of Overflight Regulations	0648-AI91
659	Interagency Consultation for the National Marine Sanctuary Program	0648-AL06
660	Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries	0648-AO36
661	Procedural Changes to the Federal Consistency Process	0648-AP98
662	Coastal Zone Management Act Federal Consistency Regulations	0648-AR16
663	Regional Marine Research Program	0648-AF20

DOC

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
664	Fishery Management Plan for Calico Scallop Fishery in the South Atlantic Region (FMP)	0648-AL78
665	Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan	0648-AN16
666	Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP)	0648-AN17
667	Amendment to Fishery Management Plan for Reef Fish Resources of Gulf of Mexico To Set 10-Year Rebuilding Plan for Red Grouper	0648-AP95
668	Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2004	0648-AQ82
669	Annual Specifications for the Atlantic Bluefish Fishery for 2004	0648-AQ85
670	Amendment 1 to the Spiny Dogfish Fishery Management Plan	0648-AQ86
671	Amendment 66 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AQ98
672	Maximum Retainable Amount	0648-AR41
673	Regulatory Amendment to Prohibited Species Catch Donation Regulations To Allow Processing of Heads and Guts	0648-AR64
674	Amendment 21 to the Reef Fish Fishery Management Plan	0648-AR66
675	Amendment 63 to the Fishery Management Plan for Groundfish of the Gulf of Alaska	0648-AR73
676	Atlantic Highly Migratory Species: Sea Turtle Bycatch Mitigation	0648-AR80
677	Revisions to the Pacific Halibut Catch Sharing Plan for 2004 and Beyond	0648-AR83
678	Extend the Moratorium on Harvesting Seamount Groundfish Resources in the Western Pacific Region	0648-AR85
679	Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648-AS03
680	Atlantic Highly Migratory Species; Vessel Monitoring System (VMS) Requirement Effective Date for Atlantic Shark Fisheries	0648-AS07
681	Reduction to Harvest Restrictions for Harvest Limit Area Atka Mackerel Fishery in Aleutian Islands Subarea	0648-AS10
682	Revised Definition of Alaska Local Time	0648-AS11
683	Individual Fishing Quota Departure Report	0648-AS12
684	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
685	Technical Amendment to Rulemaking Extending the North Pacific Groundfish Fisheries Observer Program Beyond 2002	0648-AS20
686	Amendment 16-3 to the Pacific Coast Groundfish Fishery Management Plan	0648-AS26
687	Atlantic Highly Migratory Species (HMS); Atlantic Shark Quota Adjustment for the North Atlantic Region	0648-AS28
688	Reorganize and Redesignate Regulations at 50 CFR 660, Subpart G for West Coast Groundfish Fisheries	0648-AS43
689	Establish Routine Management Measure Authority, Under the Pacific Coast Groundfish FMP To Close the Pacific Whiting Primary Season Fisheries	0648-AS48
690	Atlantic Highly Migratory Species (HMS); Atlantic Pelagic and Bottom Longline Fisheries	0648-AS52
691	Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear	0648-AS60
692	Interagency Policy on the Prescription of Fishways Under Section 18 of the Federal Power Act	0648-AO70
693	Policy for Review of Mandatory Conditions Developed by the Departments of the Interior and Commerce in the Context of Hydropower Licensing	0648-AO84
694	Amend Regulations Governing the Taking and Importing of Marine Mammals	0648-AH83
695	Captive Steller Sea Lions	0648-AO61
696	Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank	0648-AQ51
697	Endangered Species and Pesticide Regulation	0648-AQ69
698	Zero Mortality Rate Goal	0648-AR15
699	Sea Turtle Conservation; Restrictions to Fishing Activities	0648-AR81
700	List of Fisheries for 2004	0648-AS04
701	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
702	Sea Turtle Conservation; Shrimp Trawling Requirements	0648-AS42

Patent and Trademark Office—Proposed Rule Stage

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

DOC

Patent and Trademark Office—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
705	Revision of Patent and Trademark Fees for Fiscal Year 2006	0651-AB81

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
706	Changes to Representation of Others Before the United States Patent and Trademark Office	0651-AB55
707	Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan	0651-AB64
708	Changes To Implement Priority Application Exchange Between Intellectual Property Offices	0651-AB75

Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
709	Changes To Implement Patent-Related Provisions of the United States Patent and Trademark Fee Modernization Act of 2003	0651-AB54
710	Changes To Implement the Cooperative Research and Technology Enhancement (CREATE) Act of 2004	0651-AB76
711	Revision of Ex Parte and Inter Partes Reexamination Practice	0651-AB77
712	Changes To Implement the Refund Provisions of the United States Patent and Trademark Fee Modernization Act of 2004 and to the Practice for Handling Patent Applications Filed Without Appropriate Fees	0651-AB79

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
713	Rules of Practice Before the Board of Patent Appeals and Interferences	0651-AB32
714	Changes in Requirements for Amendment and Correction of Trademark Registrations	0651-AB67
715	Revision of United States Patent and Trademark Office Practice for Handling Patent Applications Filed Without the Appropriate Fees	0651-AB69
716	Revision of Patent and Trademark Fees for Fiscal Year 2005	0651-AB70
717	Elimination of Credit Cards as Payment for Replenishing Deposit Accounts	0651-AB74
718	New Mailing Addresses for Paper Submissions of Trademark-Related Correspondence and Madrid Protocol Rules Change	0651-AB78
719	Waiver of Pixel Requirement for Drawings Filed Electronically	0651-AB82

Technology Administration—Proposed Rule Stage

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

Technology Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
721	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements	0692-AA14

DOC

Technology Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
722	Acquisition and Protection of Foreign Rights in Inventions	0692-AA15

Department of Commerce (DOC)

Proposed Rule Stage

Bureau of Economic Analysis (BEA)

450. • CHANGE IN REPORTING REQUIREMENTS FOR BE-577, DIRECT TRANSACTIONS OF U.S. REPORTER WITH FOREIGN AFFILIATE

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

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	
Final Action	01/00/06	
Final Action Effective	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230
 Phone: 202 606-9890
 Fax: 202 606-5318
 Email: obie.whichard@bea.gov
RIN: 0691-AA57

451. • CHANGE IN REPORTING REQUIREMENTS FOR BE-11, ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD

Priority: Substantive, Nonsignificant
Legal Authority: 22 USC 3101 to 3108
CFR Citation: 15 CFR 806
Legal Deadline: None
Abstract: This action will amend existing rule 15 CFR 806.14 to change

the reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad, and to bring the survey into conformity with the BE-10, Benchmark Survey of U.S. Direct Investment Abroad-2004.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230
 Phone: 202 606-9890
 Fax: 202 606-5318
 Email: obie.whichard@bea.gov
RIN: 0691-AA58

Department of Commerce (DOC)

Final Rule Stage

Bureau of Economic Analysis (BEA)

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

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

Abstract: This action would amend existing rule 15 CFR 801.11 to provide for the conduct of the BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and

Unaffiliated Foreign Persons - 2004, as required in the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for 1999, which has been completed and which the new survey will update.

Timetable:

Action	Date	FR Cite
NPRM	08/27/04	69 FR 52613
NPRM Comment Period End	10/26/04	
Final Action	11/00/04	
Final Action Effective	12/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State
Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230
 Phone: 202 606-9890
 Fax: 202 606-5318
 Email: obie.whichard@bea.gov
RIN: 0691-AA51

DOC—BEA

Final Rule Stage

453. BENCHMARK SURVEY OF U.S. DIRECT INVESTMENT ABROAD – 2004**Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 3101 to 3108**CFR Citation:** 15 CFR 806**Legal Deadline:** None

Abstract: This action would amend existing rule 15 CFR 806.16 to provide for the conduct of the BE-10, Benchmark Survey of U.S. Direct Investment Abroad - 2004, as required in the International Investment and Trade in Services Survey Act, 22 USC

3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for 1999 which has been completed and which the new survey will update.

Timetable:

Action	Date	FR Cite
NPRM	08/17/04	69 FR 51020
NPRM Comment Period End	10/18/04	
Final Action	01/00/05	
Final Action Effective	02/00/05	

Regulatory Flexibility Analysis Required: No

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

Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 606-9890
Fax: 202 606-5318
Email: obie.whichard@bea.gov

RIN: 0691-AA52

Department of Commerce (DOC)

Completed Actions

Bureau of Economic Analysis (BEA)

454. 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, 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	08/13/04	69 FR 50062
Final Action Effective	09/13/04	

Regulatory Flexibility Analysis Required: No

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

Agency Contact: Edward Dozier, Department of Commerce, Bureau of Economic Analysis, HCHB Room 4868A, 14th & Pennsylvania Avenue, NW., Washington, DC 20230
Phone: 202 606-9559
Email: edward.dozier@bea.gov

RIN: 0691-AA55**455. • INTERNATIONAL SERVICES SURVEYS: BE-22, ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 3101 to 3108**CFR Citation:** 15 CFR 801**Legal Deadline:** None

Abstract: This action would revise the reporting requirements for the BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons. This action would change the services covered by the survey. Specifically, the BE-22 annual survey will no longer cover the services that

are covered by the new BE-25, Quarterly Survey of Transactions Between U.S. and Unaffiliated Foreign Persons in Selected Services and in Intangible Assets.

Timetable:

Action	Date	FR Cite
NPRM	06/07/04	69 FR 31771
NPRM Comment Period End	08/06/04	
Final Action	09/10/04	69 FR 54751
Final Action Effective	10/12/04	

Regulatory Flexibility Analysis Required: No

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

Agency Contact: Obie G Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 14th & Pennsylvania Avenue, NW., Washington, DC 20230
Phone: 202 606-9890
Fax: 202 606-5318
Email: obie.whichard@bea.gov

RIN: 0691-AA56

Department of Commerce (DOC)

Proposed Rule Stage

Bureau of the Census (CENSUS)

456. 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 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.

DOC—CENSUS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	10/22/03	68 FR 60301
ANPRM Comment Period End	11/21/03	
NPRM	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 301 763-2238

Fax: 301 457-3765

Email: ruth.d.mangaroo@census.gov

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

RIN: 0607-AA38

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

Final Rule Stage

**457. 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

**458. ESTABLISHMENT OF THE 2010
CENSUS REDISTRICTING PROGRAM**

Priority: Other Significant

CFR Citation: None

Timetable:

Action	Date	FR Cite
Notice	05/13/04	69 FR 26547
Final Action	To Be Determined	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: Federal, State

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

RIN: 0607-AA42

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

Completed Actions

**459. 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	04/30/04	69 FR 23700
NPRM Comment Period End	06/01/04	
Final Action	07/30/04	69 FR 45579

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)

Proposed Rule Stage

Economic Development Administration (EDA)

460. ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS**Priority:** Other Significant**Legal Authority:** 42 USC 3121 et seq; 19 USC 3121 et seq; 42 USC 6701; 42 USC 184; 42 USC 5141; 42 USC 3123; 42 USC 6709; 42 USC 6101; 20 USC 1681; 29 USC 794; 42 USC 2000d-1;

...

CFR Citation: 13 CFR 300 to 318**Legal Deadline:** None**Abstract:** The Economic Development Administration will be reviewing and

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	01/00/05	

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)

461. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS, TECHNICAL AMENDMENTS**Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 27**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Tricia Choe

Phone: 202 482-4265

Fax: 202 482-0512

Email: tchoe@doc.gov

RIN: 0605-AA17

Department of Commerce (DOC)

Completed Actions

General Administration (ADMIN)

462. • DISCLOSURE OF GOVERNMENT INFORMATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 5 USC 553; 31 USC 3717; 44 USC 3101; Regulation Plan of 1950**CFR Citation:** 15 CFR 4**Legal Deadline:** None**Abstract:** This action amends the Department of Commerce Freedom of Information (FOIA) regulations by adding a facsimile number and an e-

mail address as methods of transmitting appeals of initial responses to FOIA requests to the Office of the General Counsel. The e-mail address is designed specifically to receive FOIA appeals. This amendment will ensure a more uniform and controlled method for the receipt and tracking of FOIA appeals, as well as assist the Office of the General Counsel in providing accurate and timely responses.

Timetable:

Action	Date	FR Cite
Final Action	08/12/04	69 FR 49783

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Brian D. DiGiacomo, Chief, General Law Division, Department of Commerce, 1401 Constitution Avenue NW., HCHB Room 5875, Washington, DC 20230
Phone: 202 482-5391

Fax: 202 482-2552

RIN: 0605-AA18

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

Proposed Rule Stage

463. • PROPOSED AMENDMENT TO REGULATION CONCERNING CERTIFICATION OF FACTUAL INFORMATION TO IMPORT ADMINISTRATION DURING ANTIDUMPING AND COUNTERVAILING DUTY PROCEEDINGS
Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 1202 note; 19 USC 1303 note; 19 USC 1671 et seq; 19 USC 3538; . . .

CFR Citation: 19 CFR 351

Legal Deadline: None

Abstract: The Department of Commerce (Department) is proposing to amend 19 CFR 351.303(g), which governs the certification of factual information submitted to the Department by a person or their representative during antidumping and countervailing duty proceedings. The proposed amendments are intended to strengthen the current imprecise certification requirements, so that it is clear what has been certified, by whom, and when, and so that parties and their counsel are aware of the potential consequences of false certifications.
Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Elizabeth C Seastrum, Senior Counsel, Department of Commerce, International Trade Administration, 14th Street and Pennsylvania Ave, NW, Washington, DC 20230

Phone: 202 482-0837

Email: betsy__seastrum@ita.doc.gov

RIN: 0625-AA66

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

Long-Term Actions

464. PROCEDURES FOR CONDUCTING FIVE-YEAR (SUNSET) REVIEWS OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS
Priority: Substantive, Nonsignificant

CFR Citation: 19 CFR 351
Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Stacy Ettinger
 Phone: 202 482-4618

RIN: 0625-AA51
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

Agency Contact: Janet Heinzen
 Phone: 202 482-4006

RIN: 0625-AA59

467. STEEL IMPORT LICENSING AND SURGE MONITORING
Priority: Other Significant

CFR Citation: 19 CFR 360
Timetable:

Action	Date	FR Cite
ANPRM	08/25/04	69 FR 52211
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Agency Contact: Julie Al-Saadawi
 Phone: 202 482-1930

RIN: 0625-AA64

465. 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

466. 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

Department of Commerce (DOC)
International Trade Administration (ITA)
Completed Actions
468. • CHANGES IN THE INSULAR POSSESSIONS WATCH, WATCH MOVEMENTS, AND JEWELRY PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 1202; 48 USC 1681; Pub. L. 106-36

CFR Citation: 15 CFR 303

Legal Deadline: None

Abstract: The Departments of Commerce and the Interior amend their regulations governing watch duty-exemption allocations and the watch and jewelry duty-refund benefits for producers in the United States insular

possessions (the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands). This action would amend existing regulations by updating the maximum total value of watch components per watch that are eligible for duty-free entry into the United States under the insular program.

Timetable:

Action	Date	FR Cite
NPRM	06/30/04	69 FR 39375
NPRM Comment Period End	07/30/04	
Final Action	08/20/04	69 FR 51552

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Faye Robinson, Acting Director, Statutory Import Programs Staff, Department of Commerce, International Trade Administration, FCB Suite 4100W, 14th Street & Constitution Avenue, NW., Washington, DC 20230
Phone: 202 482-3526

RIN: 0625-AA65

Department of Commerce (DOC)
Bureau of Industry and Security (BIS)
Prerule Stage
469. 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	01/00/05	

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
470. CHEMICAL WEAPONS CONVENTION REGULATIONS

Priority: Other Significant

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

CFR Citation: 15 CFR 710 et seq

Legal Deadline: None

Abstract: The Chemical Weapons Convention Implementation Act of 1998 (the Act or CWCIA) (22 U.S.C. 6701 et seq.), enacted on October 21, 1998, authorizes the United States to require the U.S. chemical industry and other private entities to submit declarations, notifications and other reports and also to provide access for on-site inspections conducted by

inspectors sent by the Organization for the Prohibition of Chemical Weapons (OPCW). Executive Order (E.O.) 13128 delegates authority to the Department of Commerce to promulgate regulations, obtain and execute warrants, provide assistance to certain facilities, and carry out appropriate functions to implement the Chemical Weapons Convention (CWC), consistent with the Act. The Department of Commerce implements CWC import restrictions under the authority of the International Emergency Economic Powers Act, the National Emergencies Act, and E.O. 12938, as amended by E.O. 13128. The Departments of State and Commerce have implemented the CWC export restrictions under their respective export control authorities. E.O. 13128 designates the Department of State as

the United States National Authority (USNA) for purposes of the CWC and the Act.

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

DOC—BIS

Proposed Rule Stage

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** Federal

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RIN: 0694-AB06

471. 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

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RIN: 0694-AC25

472. REMOVAL OF LICENSING EXEMPTION FOR EXPORTS AND REEXPORTS OF MISSILE TECHNOLOGY-CONTROLLED ITEMS DESTINED TO CANADA**Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2501 et seq; ...**CFR Citation:** 15 CFR 738; 15 CFR 742**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	12/20/01	66 FR 65666
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

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

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RIN: 0694-AC48

473. KNOWLEDGE DEFINITION, SAFE HARBOR, RED FLAGS**Priority:** Other Significant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; EO 12938; EO 13020; EO 13026; EO 13222**CFR Citation:** 15 CFR 732; 15 CFR 736; 15 CFR 744; 15 CFR 752; 15 CFR 764; 15 CFR 772**Legal Deadline:** None

Abstract: This rule revises the knowledge definition in the Export Administration Regulations to incorporate a "reasonable person" standard and replaces the phrase "high

probability" with the phrase "more likely than not." It also updates the "red flags" guidance and would provide a safe harbor from liability arising from knowledge under that definition.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0694-AC94

474. 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

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DOC—BIS

Proposed Rule Stage

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RIN: 0694-AD09

475. • ADDITIONAL PROTOCOL REGULATIONS

Priority: Other Significant

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

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

Legal Deadline: None

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

In the aftermath of the 1991 Persian Gulf War, international inspectors determined that Iraq had been engaged in a clandestine nuclear weapons development program at locations not directly subject to International Atomic Energy Agency (IAEA) safeguards. The international community determined that the safeguards system needed to be strengthened and negotiated a model Additional Protocol to amend existing bilateral safeguards agreements. The model Additional Protocol requires enhanced information collection and access to provide IAEA inspectors with greater ability to detect clandestine nuclear activities in non-nuclear

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

Declarations submitted under the U.S. Additional Protocol would provide the IAEA with information about additional aspects of the U.S. nuclear fuel cycle, including mining and milling of nuclear materials, nuclear-related equipment manufacturing, nuclear-related imports and exports, research and development not involving nuclear material, and other nuclear material activities not currently subject to the U.S. Safeguards Agreement. There are no routine inspections under the U.S. Additional Protocol, but IAEA inspectors may be provided access (referred to as "complementary access") to the U.S. nuclear fuel cycle to assure the absence of undeclared nuclear

material and activities or where there is a question or an inconsistency about the completeness or correctness of the U.S. declaration, which could relate to declared or undeclared industrial locations. Access to most industrial locations is predicated upon an IAEA request for clarification of a declaration. As with the U.S.-IAEA Safeguards Agreement, the IAEA would not be required to seek access to any U.S. locations. In carrying out the responsibilities delegated to it for implementation of the U.S. Additional Protocol, the Bureau of Industry and Security (BIS) will apply a philosophy of ensuring compliance while minimizing intrusion and the burden on commercial activities and emphasizing the protection of confidential business, national security, and other critical information to the maximum extent possible.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0694-AD27

RIN: 0694-AD26

Department of Commerce (DOC)

Final Rule Stage

Bureau of Industry and Security (BIS)

476. 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	12/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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DOC—BIS

Final Rule Stage

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RIN: 0694-AC05

477. 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	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AC20

478. 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

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RIN: 0694-AC33

479. CLARIFICATIONS TO PART 753: SPECIAL COMPREHENSIVE LICENSE REQUIREMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

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-AC34

480. 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

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RIN: 0694-AC68

481. 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

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

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RIN: 0694-AC74

482. 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

483. 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

484. 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

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

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is expanding the availability of License Exception CIV for certain deemed exports of microprocessor technology on the Commerce Control List (CCL) of the Export Administration Regulations (EAR) under Export Classification Control Numbers (ECCN) 3E001 and

3E002. These ECCNs control technology that can be used for the development and production of microprocessors. The proposed rule published on October 24, 2003, included the export and reexport of general purpose microprocessor technology under License Exception CIV. Eligibility for License Exception CIV in the final rule is limited to deemed exports for certain microprocessor technology. BIS has determined that further liberalization of controls on exports of microprocessor technology must await agreement in the Wassenaar Arrangement. This rule also establishes a new “Foreign National Review” (FNR) Support Statement requirement for deemed exports of technology in the EAR, incorporating guidance that has been posted on BIS’s Web site.

Timetable:

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

486. REVISION OF LICENSEES’ RESPONSIBILITY TO COMMUNICATE LICENSE CONDITIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 750**Legal Deadline:** None

Abstract: This rule revises section 750.1 of the Export Administration Regulations to require licensees to communicate in writing specific license conditions to the parties to whom they apply. This is done in accordance with

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Final Rule Stage

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

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

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 744**Legal Deadline:** None

Abstract: This rule imposes unilateral "National Security" (NS) and "Anti-Terrorism" (AT) controls on the export and reexport of (1) systems, including cameras, Incorporating Non-Space Qualified non-linear (2-dimensional), infrared focal plane arrays based on silicon (including silicon-germanium) microbolometer material (SIIRFPA), (2) software related to the production and development of these systems, and (3) technology related to the production and development of these systems and software. This rule places these items, previously classified as EAR99, on the Commerce Control List.

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

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

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RIN: 0694-AD06

488. 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

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RIN: 0694-AD07

489. 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

490. 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

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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	12/00/04	

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

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RIN: 0694-AD10

491. 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	11/00/04	

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

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RIN: 0694-AD11

492. ENTITY LIST: REMOVAL OF FOUR RUSSIAN ENTITIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 744**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	11/00/04	

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

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RIN: 0694-AD12

493. 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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494. AMENDMENTS TO THE EXPORT ADMINISTRATION REGULATIONS (EAR) IMPLEMENTING THE “CATCH-ALL” PROVISIONS IN THE AUSTRALIA GROUP (AG) “GUIDELINES FOR TRANSFERS OF SENSITIVE CHEMICAL OR BIOLOGICAL ITEMS”

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 744

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AD15

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

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 774

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AD16

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

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	10/24/03	68 FR 60891
Final Action	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: Related to 0694-AC95

RIN: 0694-AD18

497. ENCRYPTION EXPORT AND REEXPORT CONTROLS REVISIONS

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This action removes the requirements for a separate case-by-case, U.S. Government review of some encryption items to determine whether foreign-made items incorporating them

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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	11/00/04	

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

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RIN: 0694-AD19**498. • EXPORT ADMINISTRATION REGULATIONS: ESTABLISH SPECIAL INTRA-COMPANY LICENSE (SIL)****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; ...**CFR Citation:** 15 CFR 730; 15 CFR 732; 15 CFR 738; 15 CFR 753; ...**Legal Deadline:** None

Abstract: This rule amends the Export Administration Regulations (EAR) to establish a new license authorization entitled “Special Intra-company License (SIL).” The SIL allows companies to export certain technology and source code to its approved controlled in fact subsidiaries overseas, including, deemed exports to authorized foreign nationals working in its facilities. In addition, it allows approved subsidiaries to reexport and transfer (within country) certain technology and source code to other authorized subsidiaries, including deemed reexports to authorized (third country) foreign nationals.

Timetable:

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

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

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RIN: 0694-AD22**499. • CUBA: REVISION OF PERSONAL BAGGAGE RULE****Priority:** Other Significant**Legal Authority:** 50 USC app. 2401 et seq; 50 USC 1701 et seq; PL 106-387; EO 13026; EO 13222**CFR Citation:** 15 CFR 740**Legal Deadline:** None

Abstract: This rule revises the policy implemented in a rule that BIS published on June 22, 2004 (RIN 0694-AD17, 69 FR 34565). That rule, inter alia, placed a limit of 44 pounds on the amount of baggage that most

travelers to Cuba are allowed to take under License Exception BAG. This rule clarifies that restriction by exempting wearing apparel and articles of personal adornment worn by the traveler while traveling to Cuba, personal safety and medical commodities for use by the traveler including wheelchairs, walkers, portable medical devices, child safety seats, and strollers from the 44 pound weight limit.

Timetable:

Action	Date	FR Cite
Final Rule	11/00/04	

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

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Related RIN: Related to 0694-AD17**RIN:** 0694-AD23**500. • LICENSING POLICY FOR ENTITIES SANCTIONED UNDER SPECIFIED STATUTES; LICENSE REQUIREMENT FOR CERTAIN SANCTIONED ENTITIES; AND IMPOSITION OF LICENSE REQUIREMENT FOR TULA INSTRUMENT DESIGN BUREAU****Priority:** Substantive, Nonsignificant

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

CFR Citation: 15 CFR 744**Legal Deadline:** None

Abstract: Several statutes authorize or require the United States Government to impose export sanctions on entities if such entities have engaged in activities that contribute to the proliferation of weapons of mass destruction or are otherwise contrary to the foreign policy interests of the United States. This rule sets forth BIS’s licensing policy for entities subject to

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sanctions imposed by the State Department under the Iran-Iraq Arms Nonproliferation Act of 1992 (Pub. L. 102-484), the Iran Nonproliferation Act of 2000 (Pub. L. 107-178) and section 11B(b)(1) of the Export Administration Act of 1979. This rule also sets forth a new license requirement for certain entities sanctioned by the State Department, and imposes a license requirement for a specific entity, Tula Instrument Design Bureau of Russia, pursuant to the new license requirement.

Timetable:

Action	Date	FR Cite
Final Rule	02/00/05	

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

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RIN: 0694-AD24

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

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

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

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

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to: implement the understandings reached at the June 2004 plenary meeting of the Australia Group (AG); clarify the scope of controls on chemical detection equipment in ECCNs 1A004, 1A995, and 2B351; and update the list in the EAR that identifies countries that are

States Parties to the Chemical Weapons Convention (CWC).

Specifically, this rule implements the understandings reached at the June 2004 plenary meeting by adding three bacteria and two viruses to the list of AG-controlled plant pathogens described on the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR). This rule also revises the AG-related licensing policies in the EAR, consistent with changes in the AG "Guidelines for Transfers of Sensitive Chemical or Biological Items," by adding a new licensing factor to the list of factors that BIS will consider when determining what action should be taken on license applications to export or reexport AG-listed items on the CCL. In addition, this rule removes the chemical/biological (CB) licensing requirement for certain medical products that contain conotoxins. This rule revises Supplement No. 1 to part 740 (Country Groups) by adding to Country Group A:3 (Australia Group) the names of five countries that recently became AG members and by removing Bulgaria from Country Group D:3 (countries of concern for chemical/biological reasons) the latter change was inadvertently omitted from an AG plenary rule that BIS published on May 31, 2002. Supplement No. 1 to part 738 (Commerce Country Chart) is amended by removing the licensing requirements for the five new AG member countries, under CB Column 2, in conformance with the licensing policy that applies to AG participating countries.

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

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

Timetable:

Action	Date	FR Cite
Final Rule	01/00/05	

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

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RIN: 0694-AD25

502. • EXPORTS OF NUCLEAR-GRADE GRAPHITE: CHANGE IN LICENSING JURISDICTION

Priority: Substantive, Nonsignificant

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

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

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

Timetable:

Action	Date	FR Cite
Final Rule	12/00/04	

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

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RIN: 0694-AD28

503. • EXPORT ADMINISTRATION REGULATIONS: CLARIFICATIONS TO DEEMED EXPORT AND REEXPORT POLICY

Priority: Substantive, Nonsignificant

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

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CFR Citation: 15 CFR 734; 15 CFR 772**Legal Deadline:** None

Abstract: This rule clarifies in the Export Administration Regulations policies, terms, and interpretations concerning deemed exports and deemed reexports; some of the clarifications were recommendations from the Department of Commerce's Office of the Inspector General. In addition, the rule clarifies the term "release" in the context of technology exports and reexports.

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-AD29**504. • REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 12938; EO 13020; ...**CFR Citation:** 15 CFR 734; 15 CFR 738; 15 CFR 764**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

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

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RIN: 0694-AD30**505. • NOMENCLATURE CHANGE: REFERENCES TO ANOTHER AGENCY****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); ...**CFR Citation:** 15 CFR 730; 15 CFR 734; 15 CFR 746; 15 CFR 770; ...**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

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

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RIN: 0694-AD31**506. • TECHNICAL CORRECTIONS TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant

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

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

Legal Deadline: None

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

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the currently applicable Departmental Organizational Orders; revises the definition of the term “controlled country” to make clear that they are countries subject to national security export controls, to add two previously omitted countries, and to reflect the shift of North Korea from Country Group E:2 to D:1; removes a reference to a no longer existent technical note and corrects the name of another document referenced in ECCN 1C018; revises ECCN 1E001 to remove 1C992 from the list of exceptions to the development and production technology controls of 1E001; and revises the ECCN 3A001 License Exceptions paragraph to exclude certain commodities controlled for missile technology reasons consistent with section 740.2(a)(5).

Timetable:

Action	Date	FR Cite
Final Rule	12/00/04	

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
Fax: 202 482-3355
Email: warvin@bis.doc.gov

RIN: 0694-AD32

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

Priority: Substantive, Nonsignificant**Legal Authority:** 50 USC app. 2401 et seq; 50 USC 1701 et seq; PL 106-387; EO 13026; EO 13222**CFR Citation:** 15 CFR 740**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	04/00/05	

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

Agency Contact: Matthew Blaskovich, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, MS 2705, 14th & Pennsylvania Ave. NW., Washington, DC 20230
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Email: mblaskov@bis.doc.gov

RIN: 0694-AD33

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

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; PL 106-387; EO 13026; EO 13222**CFR Citation:** 15 CFR 740**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	02/00/05	

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

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

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

Long-Term Actions

509. EXPORT ADMINISTRATION REGULATIONS: SUPPORT DOCUMENTATION

Priority: Substantive, Nonsignificant**CFR Citation:** 15 CFR 748**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined

Agency Contact: Sharron Cook
Phone: 202 482-2440

DOC—BIS

Long-Term Actions

Fax: 202 482-3355
 Email: scook@bis.doc.gov
 RIN: 0694-AC04

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

Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 730 to 774

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman
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 Email: squarter@bis.doc.gov

RIN: 0694-AC15

511. 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

Agency Contact: Sharron Cook
 Phone: 202 482-2440
 Fax: 202 482-3355
 Email: scook@bis.doc.gov

RIN: 0694-AC17

512. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES

Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 748 to 750

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Sharron Cook
 Phone: 202 482-2440
 Fax: 202 482-3355
 Email: scook@bis.doc.gov
 RIN: 0694-AC23

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

Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 700 to 799

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Willard Fisher
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 Fax: 202 482 3355
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RIN: 0694-AC35

514. 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

Agency Contact: Sharron Cook
 Phone: 202 482-2440
 Fax: 202 482-3355
 Email: scook@bis.doc.gov

RIN: 0694-AC46

515. 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

Agency Contact: Sharron Cook
 Phone: 202 482-2440
 Fax: 202 482-3355
 Email: scook@bis.doc.gov

RIN: 0694-AC47

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

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 774

Timetable:

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Matthew Blaskovich
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RIN: 0694-AC71

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

Priority: Substantive, Nonsignificant

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

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman
 Phone: 202 482-2440
 Email: squarter@bis.doc.gov

Related RIN: Related to 0694-AB41

RIN: 0694-AC82

DOC—BIS

Long-Term Actions

518. • LICENSE EXCEPTION GOV EXPORTS AND REEXPORTS FOR OFFICIAL IAEA INTERNATIONAL INSPECTION AND VERIFICATION USE IN ACCORDANCE WITH THE U.S.-IAEA SAFEGUARDS AGREEMENT, AS AMENDED BY THE ADDITIONAL PROTOCOL**Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; PL 106-387; ...**CFR Citation:** 15 CFR 740**Legal Deadline:** None**Abstract:** This rule amends the License Exception GOV provisions in the Export Administration Regulations (EAR) to authorize exports and reexports of certain items for official International Atomic Energy Agency (IAEA) inspection and verification use

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

Timetable:

Action	Date	FR Cite
Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th St & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 482-2440
Fax: 202 482 3355
Email: wfisher@bis.doc.gov**Related RIN:** Related to 0694-AD26**RIN:** 0694-AD27

Department of Commerce (DOC)

Bureau of Industry and Security (BIS)

Completed Actions

519. CLARIFICATION OF LICENSE EXCEPTION GFT (HUMANITARIAN DONATIONS)**Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 740**Legal Deadline:** None**Abstract:** This rule amends the Export Administration Regulations by clarifying the terms and conditions of applying to the shipment of humanitarian donations under license exception GFT. This rule provides guidance on the types of donors, end-users, and items that are eligible for this license exception.**Timetable:**

Action	Date	FR Cite
Withdrawn	09/02/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482-2440
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 Email: hhess@bis.doc.gov

RIN: 0694-AB49**520. 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 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	07/19/04	69 FR 42862

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-AC75**521. 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;

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Completed Actions

18 USC 2510; 22 USC 287; 22 USC 3201; 22 USC 6004; 30 USC 185; 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106–387; PL 107–56; EO 13026; EO 13222

CFR Citation: 15 CFR 770; 15 CFR 774 Supp No. 1

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Rule	08/31/04	69 FR 52991

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
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Related RIN: Split from 0694–AC64

RIN: 0694–AC91

522. MICROPROCESSOR TECHNOLOGY ELIGIBLE FOR EXPORT OR REEXPORT UNDER LICENSE EXCEPTION

Timetable:

Action	Date	FR Cite
Duplicate of 0694-AD04	09/07/04	

RIN: 0694–AD02

523. 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 list of eligible commodities that can be included in gift parcels to Cuba under License Exception GFT (section 740.12 of the EAR). This rule removes, seeds, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment from the list of commodities that may be sent to Cuba in gift parcels. The eligible categories are now limited to: food (including vitamins), medicine, medical supplies and equipment (including hospital supplies and equipment and equipment for the handicapped), 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 limits the delivery of gift parcels to Cuba containing items other than food to once per month per household, instead of once per month per individual recipient. This rule also makes License Exception GFT unavailable to send gift parcels to certain Cuban government officials or Communist Party members.

This rule also limits the amount of baggage taken by most travelers leaving the United States for travel to Cuba pursuant to License Exception BAG (section 740.14 of the EAR) to 44 pounds per traveler. Exceptions to the 44 pound limit are available for travelers under certain specified travel authorizations issued by the Office of Foreign Assets Control of the Department of the Treasury. Other travelers seeking to take more than 44

lbs of baggage would require a license from BIS pursuant to section 746.2 of the EAR.

Timetable:

Action	Date	FR Cite
Final Rule	06/22/04	69 FR 34656
Final Rule Effective	06/22/04	

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–AD17

524. • REVOCATION OF GENERAL ORDER NO. 3 IMPOSING LICENSE REQUIREMENTS ON SHAYKH HAMAD BIN ALI BIN JABER AL-THANI AND ENTITIES RELATED TO OR CONTROLLED BY HIM

Priority: Substantive, Nonsignificant

Legal Authority: EO 13222

CFR Citation: 15 CFR 736; 15 CFR 744

Legal Deadline: None

Abstract: This final rule revokes General Order No. 3 of the Export Administration Regulations (EAR). That Order imposed a license requirement for exports and reexports of all items on the Commerce Control List destined to or for Shaykh Hamad bin ali bin Jaber Al-Thani and listed entities related to or controlled by him. This rule also removes a related provision of the EAR.

Timetable:

Action	Date	FR Cite
Final Action	07/15/04	69 FR 42332

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, NW., HCHB Room 2096, Washington, DC 20230
Phone: 202 482–2440
Email: squarter@bis.doc.gov

RIN: 0694–AD21

Department of Commerce (DOC)

Completed Actions

National Institute of Standards and Technology (NIST)

525. 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	06/16/04	69 FR 33567

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**526. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REDUCING SEA TURTLE TAKES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 971; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None**Abstract:** This action would amend the regulations governing the Atlantic pelagic longline fishery based upon a June 1, 2004, Biological Opinion regarding Atlantic sea turtles. This amendment could include framework mechanisms that would allow the Agency to take action, such as partial or rolling closures or gear or effort restrictions, if the number of sea turtle interactions or mortalities exceed anticipated levels during a certain period of time. This action would not change established quotas for target species and is not expected to change overall effort in the fishery.**Timetable:**

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

RIN: 0648-AS49**527. • NOTICE OF CONTROL DATE FOR THE PURPOSE OF LIMITING ENTRY TO THE GENERAL CATEGORY FISHERY; ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN (FMP)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action announces that NMFS is considering, and is seeking public comment on, proposed rulemaking to control future access tothe open access vessel permit category (general category) sea scallop (*Placopecten magellanicus*) fishery if a management regime is developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to limit the number of participants in this sector of the scallop fishery. This sector of the fishery includes vessels with general category permits as well as vessels with limited access scallop permits that land scallops while not on a scallop day-at-sea (DAS).**Timetable:**

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

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-AS82

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

Proposed Rule Stage

NATIONAL MARINE FISHERIES SERVICE

528. 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: This regulatory amendment under the Bottomfish FMP would establish permit eligibility criteria, including processing fees, for new entry into the NWHI Mau Zone bottomfish limited access program, and a mechanism to facilitate permits through a community development program.

Timetable:

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

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: 808 973-2937

RIN: 0648-AK82

529. 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 12 to the Crustaceans FMP would establish the U.S. EEZs around the Commonwealth of the Northern Mariana Islands and U.S. Pacific remote island areas as crustaceans management areas and

establish permit and reporting requirements for the crustacean fisheries.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

RIN: 0648-AL67

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

Timetable:

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

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

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

Phone: 808 973-2937

RIN: 0648-AM98

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

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

Abstract: Amendment 18A 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, and establishing closed areas.

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
Phone: 727 570-5305
Fax: 727 570-5583

RIN: 0648-AN09

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

Abstract: Implement Amendment 9 to the western Pacific pelagics FMP, which would establish trip limit for non-blue sharks in the Hawaii-based longline fishery, establish a new

DOC—NOAA

Proposed Rule Stage

definition for bottom longline and prohibit its use in the Hawaiian Islands and other management measures to protect and conserve shark resources in the region.

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

Phone: 808 973-2937

RIN: 0648-AN76

533. 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	05/00/05	

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AN84

534. AMENDMENT 22 TO THE REEF FISH FISHERY MANAGEMENT PLAN

Priority: Other Significant

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 establishes 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
Notice	08/04/04	69 FR 46518
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-AP02

535. REVISION OF AMERICAN LOBSTER REGULATIONS FOR THE EEZ

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 5101 et seq

CFR Citation: 50 CFR 697

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	05/24/01	66 FR 28726
ANPRM Comment Period End	06/25/01	
ANPRM	09/05/02	67 FR 56800
ANPRM Comment Period End	10/07/02	
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State

DOC—NOAA

Proposed Rule Stage

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

**536. REGULATORY AMENDMENT TO
IMPLEMENT PERMIT STACKING IN
THE LIMITED-ENTRY FIXED-GEAR
SABLEFISH FISHERY IN 2005 AND
BEYOND**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

Abstract: This regulatory amendment
would implement the following
Amendment 14 provisions: permit
owners will be required to provide
detailed ownership information to
ensure that no person has ownership
interest in or holds more than three
permits; current permit owners who
were not permit owners before
November 1, 2000, will be required to
be on board the vessel fishing against
the sablefish cumulative limits
associated with that vessel's permit(s);
vessels landing sablefish against their
primary season limits will be required
to contact enforcement officials before
making sablefish landings; vessel
owners wishing to freeze sablefish at
sea will be required to provide proof
of a history of freezing sablefish at sea
in the years 1998, 1999, or 2000.

Timetable:

Action	Date	FR Cite
NPRM	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: D. Robert Lohn,
Regional Administrator, Northwest
Region, NMFS, Department of
Commerce, National Oceanic and
Atmospheric Administration, 7600

Sand Point Way NE, Building 1,
Seattle, WA 48115-0070
Phone: 206 526-6150
Fax: 206 526-6426

RIN: 0648-AP38

**537. 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	03/00/05	
NPRM Comment Period End	04/00/05	

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

**538. 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	05/00/05	
NPRM Comment Period End	06/00/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses,
Organizations

Government Levels Affected: None

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

RIN: 0648-AP60

**539. 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

DOC—NOAA

Proposed Rule Stage

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	02/00/05	
NPRM Comment Period End	03/00/05	

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

Agency Contact: Dr. Charles Karnella, Pacific Islands Area Office, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814-4700
Phone: 808 973-2985

RIN: 0648-AP61

540. 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.

Timetable:

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

Regulatory Flexibility Analysis**Required:** Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, State

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

RIN: 0648-AP67

541. 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	12/00/04	
NPRM Comment Period End	01/00/05	

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

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249
RIN: 0648-AQ07

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

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

Abstract: This regulatory amendment under the Bottomfish FMP would remove the annual landings requirement for permit renewal and revise permit transferability restrictions of the Northwestern Hawaiian Islands bottomfish limited access programs.

Timetable:

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

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

543. 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.

DOC—NOAA

Proposed Rule Stage

Timetable:

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

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-AQ25**544. 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	11/00/04	

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**545. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	09/00/05	
Final Action	10/00/05	

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

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

RIN: 0648-AQ87**546. TURTLE MITIGATION FOR NON-HAWAII-BASED PELAGIC LONGLINE AND NON-LONGLINE VESSELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	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: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 973-2937

RIN: 0648-AQ91**547. 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	11/00/04	
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-AR06

DOC—NOAA

Proposed Rule Stage

548. REGULATORY RULEMAKING TO REVISE ACCOUNTING FOR EXTERNALLY TAGGED HALIBUT**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
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-AR09**549. 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	11/00/04	
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**550. 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 NPRM	10/20/03 11/00/04	68 FR 59906

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

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**551. AMENDMENT 13B TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

DOC—NOAA

Proposed Rule Stage

Action	Date	FR Cite
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NPRM Comment	02/00/05	
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-AR38**552. 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
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NPRM	11/00/04	
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NPRM Comment	12/00/04	
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-AR51**553. ANNUAL SPECIFICATIONS FOR THE SURF CLAM AND OCEAN QUAHOG FISHERY FOR FISHING YEAR 2005-2007****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would implement the annual specifications for the surf clam and ocean quahog fisheries for fishing year 2005-2007.

Timetable:

Action	Date	FR Cite
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NPRM	11/00/04	
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NPRM Comment	12/00/04	
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-AR52**554. 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
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NPRM	11/00/04	
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NPRM Comment	12/00/04	
Period End		

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** 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**555. 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
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NPRM	11/00/04	
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NPRM Comment	12/00/04	
Period End		

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** 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**556. 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
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NPRM	12/00/04	
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NPRM Comment	01/00/05	
Period End		

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

DOC—NOAA

Proposed Rule Stage

Phone: 978 281-9200

RIN: 0648-AR59

557. 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 Period End	02/00/05	

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

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

Phone: 301 713-2334

RIN: 0648-AR60

558. 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 Period End	02/00/05	

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

559. FULL RETENTION AND MONITORING PROGRAM IN THE SHOREBASED PACIFIC WHITING FISHERY**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

Abstract: The Pacific Fishery Management Council (Pacific Council) at their October 21 to 25, 1996, meeting in San Francisco, California addressed the treatment and disposition of salmon in the groundfish trawl fisheries, specifically the shore-based whiting fishery. At that meeting, the Pacific Council discussed the retention of salmon in the shore-based whiting fishery and took action to maintain a viable shore-based whiting fishery by using exempted fishing permits (EFPs). These EFPs allowed the shore-based whiting fleet to temporarily deliver unsorted catch to processing plants and provided for the monitoring of incidentally taken salmon until a permanent monitoring program could be implemented. In keeping with the Pacific Council's recommendation,

NMFS is proceeding with implementing a monitoring program for the shore-based whiting fishery. This action will aid in the sustainable management of Pacific Coast salmon and groundfish fisheries while providing an important economic opportunity to those associated with the harvest, processing, and selling of whiting taken by the shore-based whiting fleet. The need for implementing a permanent monitoring program in the shore-based Pacific whiting fishery is to provide for a full retention fishery by enabling the shore-based whiting fleet, comprised exclusively of catcher vessels, to deliver unsorted catch to processing plants. This practice is necessary to ensure that whiting landings are of market quality, while abiding by Federal groundfish regulations and those implementing the Pacific Coast salmon and groundfish fishery management plans (FMPs).

Timetable:

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

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

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

RIN: 0648-AR63

560. 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 to the Bottomfish FMP would establish measures including limits on bottomfish harvest, reporting requirements, area closures, and gear vessel restrictions.

DOC—NOAA

Proposed Rule Stage

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

Phone: 808 973-2937

RIN: 0648-AR65**561. 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	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-AR67**562. 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**563. 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	01/00/05	
NPRM Comment Period End	02/00/05	

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**564. 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.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

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

565. 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	11/00/04	
NPRM Comment	12/00/04	
Period End		

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

566. GEAR IDENTIFICATION MARKINGS ON BUOYS

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

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment	12/00/04	
Period End		
Final Action	02/00/05	
Final Action Effective	03/00/05	

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

567. 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	11/00/04	
NPRM Comment	12/00/04	
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-AR96

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment	12/00/04	
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-AS00

DOC—NOAA

Proposed Rule Stage

569. FISH AND SEAFOOD PROMOTION ACT**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 4001 to 4017**CFR Citation:** 50 CFR 270**Legal Deadline:** None

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

Timetable:

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

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**570. 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	04/00/05	
NPRM Comment Period End	05/00/05	

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

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

RIN: 0648-AS13**571. 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 Period End	04/00/05	

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

Agency Contact: Roy Crabtree, Regional Administrator, Southeast

Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AS15**572. 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	02/00/05	
NPRM Comment Period End	03/00/05	

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

DOC—NOAA

Proposed Rule Stage

573. 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**574. 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**575. AMENDMENT 23 TO THE REEF FISH FISHERY MANAGEMENT PLAN TO SET VERMILION SNAPPER SUSTAINABLE FISHERIES ACT TARGETS AND THRESHOLDS AND TO ESTABLISH A PLAN TO END OVERFISHING AND REBUILD THE STOCK****Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None**Abstract:** In October 2003, the National Marine Fisheries Service (NMFS) issued a determination that the Gulf of Mexico vermilion snapper stock is overfished. The stock had been previously determined to be undergoing overfishing in November 1999. These determinations were based on vermilion snapper stock assessments conducted in 1999 and 2001. Once a stock has been determined to be overfished, the Magnuson-Stevens Act requires the Gulf of Mexico Fishery Management Council within one year to submit a plan to NMFS to end overfishing and rebuild the stock to a level capable of sustaining maximum sustainable yield on a continuing basis.

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

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-AS19**576. 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 Period End	03/00/05	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of

DOC—NOAA

Proposed Rule Stage

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

RIN: 0648-AS21

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

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

Timetable:

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

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-AS22

578. 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	11/00/04	
NPRM Comment Period End	12/00/04	

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-AS23

579. 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 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-AS24

580. 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

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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

RIN: 0648-AS29

582. MEASURES TO REDUCE INTERACTIONS WITH SEABIRDS IN THE HAWAII-BASED LONGLINE FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

DOC—NOAA

Proposed Rule Stage

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

Phone: 808 973-2937

RIN: 0648-AS30

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alvin Katekaru, Assistant Regional Administrator,

Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 973-2937

RIN: 0648-AS31

584. 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	01/00/05	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

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

RIN: 0648-AS33

585. 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 Period End	03/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

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

RIN: 0648-AS35

586. 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 Oceanic and Atmospheric Administration, NMFS, P.O. 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AS37

DOC—NOAA

Proposed Rule Stage

587. 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	11/00/04	
NPRM Comment Period End	12/00/04	

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**588. • FEE SYSTEM FOR REPAYMENT OF THE LOAN TO HARVESTORS OF BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1861a; 46 USC 1279f; PL 106-554**CFR Citation:** 50 CFR 600**Legal Deadline:** None**Abstract:** This action would implement a fee system for repayment of the fishing capacity reduction loans in the Bering Sea/Aleutian Islands king and tanner crab fisheries.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

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

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Michael L. Grable, Chief, Financial Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2390
Email: michael.grable@noaa.gov**RIN:** 0648-AS46**589. • AMENDMENTS 18 AND 19 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS—CRAB RATIONALIZATION PROGRAM****Regulatory Plan:** This entry is Seq. No. 32 in part II of this issue of the **Federal Register**.**RIN:** 0648-AS47**590. • AMENDMENT NUMBER 15 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC REGION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None**Abstract:** Amendment 15 provides alternatives to address the current commercial king mackerel permit moratorium that will be expiring on October 15, 2005. Alternatives include possible extensions of the moratorium for a finite period of time or to establish a limited access license for an indefinite period of time. Amendment 15 also provides alternatives to potentially change the fishing year for Atlantic migratory group king and Spanish mackerel from an April 1 through March 31 period to a March 1 through February 28/29 period or a January 1 through December 31 period.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

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

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AS53**591. • SEASONAL CLOSURE OF GRAMMANIK BANK****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None**Abstract:** In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, the National Marine Fisheries Service amends its regulations to implement a seasonal closed area on Grammanik Bank south of St. Thomas, USVI, to conserve and protect a documented spawning aggregation of yellowfin grouper. Within the closed area, fishing for Council-managed species would be prohibited from February 1 to April 30.**Timetable:**

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

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AS56

DOC—NOAA

Proposed Rule Stage

592. • ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC MACKEREL**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, July 1, 2005.

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

Timetable:

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

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

Agency Contact: 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-AS59**593. • REVISIONS TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR 2005 AND BEYOND****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 300**Legal Deadline:** None

Abstract: Each year, the Pacific Fishery Management Council (Council) reviews its Pacific Halibut Catch Sharing Plan (Plan) with the public to determine whether revisions are needed to management objectives for any of the West Coast halibut fisheries. Off the coast of Washington, halibut treaty tribes hold a directed commercial

fishery and a ceremonial and subsistence fishery for halibut. Non-treaty fishers operating off Washington, Oregon, and California participate in one of three separate commercial fisheries, and/or in one of seven separate recreational fisheries for halibut. For 2005, changes to the Plan may include: changing the opening date of the north Washington coast subarea; closing the south Washington coast subarea when a certain amount of quota is projected to remain and allowing the northern and southern nearshore areas to harvest the remaining quota; setting an annual bag limit off Washington of 5 halibut per person per calendar year; adding a weekly limit off Washington of two halibut per person per calendar week; changing the Oregon central coast all-depth fishery bag limit to two halibut per person; creating two "yelloweye" rockfish conservation areas off Oregon to reduce the take the overfished groundfish species in the halibut fishery; and allowing retention of halibut bycatch in the open access sablefish fishery.

Timetable:

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

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

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

RIN: 0648-AS61**594. • ESTABLISH MANAGEMENT MEASURES FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS BOTTOMFISH FISHERY UNDER THE WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUND FISH FMP****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, February 2005.

Final, Statutory, April 2005.

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

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

Timetable:

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

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

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

Phone: 808 973-2937

RIN: 0648-AS63**595. • REVISE PRECIOUS CORAL MEASURES TO INCREASE THE PROTECTION OF BLACK CORAL RESOURCES IN HAWAII****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, February 2005.

Final, Statutory, May 2005.

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

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

Timetable:

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

DOC—NOAA

Proposed Rule Stage

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

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

Phone: 808 973-2937

RIN: 0648-AS64

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

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** NPRM, Statutory, April 2005.

Final, Statutory, June 2005.

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

Timetable:

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

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

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AS66

597. • AMENDMENT 26 TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO TO ESTABLISH A RED SNAPPER INDIVIDUAL FISHING QUOTA PROGRAM

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

Abstract: This action would establish the Individual Fishing Quota Program (IFQ) for the Gulf commercial red snapper fishery. The amendment contains alternatives developed by the Ad Hoc Red Snapper Advisory Panel and the Council that provide for: (1) IFQ structure; (2) initial allocation of IFQ shares and annual coupons; (3) ownership and transfer controls; (4) monitoring and transfer of IFQ shares and coupons; and (5) appeals process.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment	08/00/05	
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-AS67

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

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

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

Timetable:

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

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

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AS68

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

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

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

Timetable:

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

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

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AS69

DOC—NOAA

Proposed Rule Stage

600. • ESTABLISH MANAGEMENT MEASURES FOR THE WESTERN PACIFIC SQUID FISHERY**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

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

Timetable:

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

Regulatory Flexibility Analysis Required: Yes

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

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

Phone: 808 973-2937

RIN: 0648-AS71

601. • ANNUAL ADJUSTMENT TO MEASURES FOR THE MONKFISH FISHERY FOR THE 2005 FISHING YEAR**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action makes annual adjustments to measures for the 2005 fishing year for the Monkfish Fishery. The fishing year begins May 1, 2005. This action will make necessary adjustments in total allowable catch levels and trip limits.

Timetable:

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

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-AS72

602. • FRAMEWORK ADJUSTMENT 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 action would allow multi-year specifications in the Red Crab Fishery.

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-AS73

603. • ADJUSTMENT OF QUOTA OVERAGES IN THE U.S./CANADA AREA**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would adjust any overages of quotas for Georges Bank cod, haddock, and/or yellowtail flounder in the U.S./Canada Management Area, as required by Amendment 13.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	

Action	Date	FR Cite
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NPRM Comment Period End	03/00/05	
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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

RIN: 0648-AS74

604. • AMENDMENT TO REGULATIONS IMPLEMENTING THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT OF 1984**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 2431 et seq**CFR Citation:** 50 CFR 300 subpart G**Legal Deadline:** None

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

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

RIN: 0648-AS75

605. • INDIVIDUAL FISHING QUOTA PROGRAM; RESTRUCTURE DATE-SPECIFIC QUOTA SHARE REGULATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773 to 773k; 16 USC 1801; 16 USC 3631

DOC—NOAA

Proposed Rule Stage

CFR Citation: 50 CFR 679; 50 CFR 300**Legal Deadline:** None

Abstract: This action would restructure date-specific regulations governing the halibut U.S. Individual Fishing Quota fishery to reference a time, relative to the season opening and closing dates, when operational events should occur relative to certain fishing season milestones. This action is necessary to provide the International Pacific Halibut Commission (IPHC) with flexibility to adjust fishing season durations and time periods to meet fishery management needs.

Timetable:

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

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

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

RIN: 0648-AS77**606. • LIST OF FISHERIES FOR 2005****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229**Legal Deadline:** None

Abstract: With this action, NMFS publishes the annual List of Fisheries (LOF), as required by section 118 of the Marine Mammal Protection Act (MMPA). The proposed LOF for 2005 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the MMPA based upon the levels of mortality and serious injury of marine mammals that occurs within each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

Timetable:

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

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Federal, State

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

RIN: 0648-AS78**607. • CORRECT AND CLARIFY AMENDMENT 13 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/28/04	69 FR 62844
NPRM Comment Period End	11/12/04	
Final Action	02/00/05	

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

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

RIN: 0648-AS80**608. • CLARIFY THE DAYS-AT-SEA (DAS) BASELINE ALLOCATION PROCEDURE IMPLEMENTED IN AMENDMENT 13 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action proposes to clarify the baseline DAS allocation procedure established in the final rule implementing Amendment 13 to the Northeast Multispecies Fishery Management Plan. The proposed rule to implement Amendment 13 stated that a vessel's baseline DAS allocation would be determined by the highest number of reported DAS fished during a single qualifying fishing year, where the vessel landed at least 5,000 lb of regulated multispecies, during the 6-year period from May 1, 1996 through April 30, 2002. It was the intent of the Council to cap a vessel's DAS used at the vessel's annual allocation prior to August 1, 2002, and it was how the analysis was conducted in the EIS prepared for Amendment 13. However, this DAS cap was not stated in the proposed rule for Amendment 13, but included in the final rule. Because the public was not provided with the opportunity to comment on this cap in DAS usage in the proposed rule, NMFS is providing this opportunity by clarifying the existing regulations through interim rulemaking, which will include publication of a proposed interim rule.

Timetable:

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

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

Related RIN: Related to 0648-AN17**RIN:** 0648-AS81

DOC—NOAA

Proposed Rule Stage

609. • HYDROPOWER/MANDATORY CONDITIONS REVIEW PROCESS (MCRP) RULE**Priority:** Other Significant**Legal Authority:** 16 USC 811**CFR Citation:** 50 CFR 221**Legal Deadline:** None

Abstract: Pursuant to Part I of the Federal Power Act (Act), 16 U.S.C. 791a et seq., the Department of Commerce (Department), acting through the National Marine Fisheries Service (NMFS), provides input to the Federal Energy Regulatory Commission (Commission) on a number of issues related to licensing non-federal hydroelectric generating facilities. Among others, NMFS' authorities include the authority to prescribe fishways pursuant to section 18 of the Act, 16 U.S.C. 811. Pursuant to its section 18 authority, NMFS reviews applications for hydropower licenses before the Commission, and after consultation with license applicants, prescribes new or modified fishways where such facilities are warranted based on studies and other information in the administrative record of the licensing proceeding. This action codifies the existing MCRP, providing for public review of NMFS' mandatory section 18 fishway prescriptions, and an opportunity to modify prescriptions if warranted based on public review, prior to their being included in a final license order.

Timetable:

Action	Date	FR Cite
NPRM	09/09/04	69 FR 54615
NPRM Comment Period End	11/08/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**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-AS55**610. 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	06/00/05	
NPRM Comment Period End	12/00/05	

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**611. 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	06/00/05	
NPRM Comment Period End	12/00/05	

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**612. DESIGNATE CRITICAL HABITAT FOR 7 EVOLUTIONARILY SIGNIFICANT UNITS (ESUS) OF PACIFIC SALMON AND STEELHEAD IN CALIFORNIA**

Regulatory Plan: This entry is Seq. No. 30 in part II of this issue of the **Federal Register**.

RIN: 0648-AO04**613. ENDANGERED AND THREATENED SPECIES: PERMIT EXEMPTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701**CFR Citation:** 50 CFR 222**Legal Deadline:** None

Abstract: NMFS amends its regulations to provide exceptions to prohibitions to allow Federal and State employees to perform conservation activities.

Timetable:

Action	Date	FR Cite
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

DOC—NOAA

Proposed Rule Stage

614. TAKING MARINE MAMMALS INCIDENTAL TO ROCKET LAUNCHES FROM THE KODIAK LAUNCH COMPLEX, KODIAK ISLAND, ALASKA**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	11/05/01	66 FR 55909
ANPRM Comment Period End	12/05/01	
NPRM	10/29/04	69 FR 63114
NPRM Comment Period End	12/13/04	
Final Action	03/00/05	

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

Agency Contact: Kenneth Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Room 13600, Silver Spring, MD 20910
Phone: 301 713-2322
Fax: 301 713-0376
Email: ken.hollingshead@noaa.gov

RIN: 0648-AP62**615. 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	07/00/05	
NPRM Comment Period End	08/00/05	

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

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

RIN: 0648-AQ71**616. DESIGNATE CRITICAL HABITAT FOR 13 EVOLUTIONARILY SIGNIFICANT UNITS (ESUS) OF PACIFIC SALMON AND STEELHEAD IN WASHINGTON, OREGON AND IDAHO**

Regulatory Plan: This entry is Seq. No. 31 in part II of this issue of the **Federal Register**.

RIN: 0648-AQ77**617. REGULATIONS IMPLEMENTING THE BOTTLENOSE DOLPHIN TAKE REDUCTION PLAN****Priority:** Other Significant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229**Legal Deadline:** NPRM, Statutory, September 2003.

Final, Statutory, January 2004.

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

Abstract: This action would implement management measures to (1) reduce the incidental mortality and serious injury (bycatch) of the western North Atlantic coastal bottlenose dolphin stock (dolphins) (*Tursiops truncatus*) in the mid-Atlantic coastal gillnet fishery and eight other coastal fisheries operating within the dolphin's distributional range; and (2) amend current, seasonal restrictions on large mesh gillnet fisheries operating in the mid-Atlantic region to reduce the incidental take of sea turtles in North Carolina and Virginia state waters. This action would use effort reduction measures, gear proximity rules, gear or gear deployment modifications, fishermen training, and outreach and education measures to reduce dolphin bycatch below the marine mammal stock's potential biological removal level (PBR); and time/area closures and size restrictions on large mesh fisheries to reduce incidental takes of endangered and threatened sea turtles as well as to reduce dolphin bycatch below the stock's PBR.

Timetable:

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

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

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

Agency Contact: Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and

DOC—NOAA

Proposed Rule Stage

Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
Phone: 907 586-7235

RIN: 0648-AR39

618. 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	11/00/04	
NPRM Comment	12/00/04	
Period End		

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

619. TAKING AND IMPORTING MARINE MAMMALS: MILITARY READINESS ACTIVITIES AND SCIENTIFIC RESEARCH ACTIVITIES CONDUCTED BY OR ON BEHALF OF THE FEDERAL GOVERNMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.3

Legal Deadline: None

Abstract: The National Marine Fisheries Service (NMFS) amends its

regulations to revise certain terms in the definition of harassment for military readiness activities and scientific research activities conducted by or on behalf of the Federal Government pursuant to amendments to the Marine Mammal Protection Act (MMPA) enacted by the National Defense Authorization Act of fiscal year 2004 (NDAA).

Timetable:

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

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

620. • REGULATIONS GOVERNING THE APPROACH TO NORTH ATLANTIC RIGHT WHALES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531; 16 USC 1361

CFR Citation: 50 CFR 224

Legal Deadline: None

Abstract: This rule would correct the regulations that prohibit approaches within 500 yards (460 m) of North Atlantic right whales (right whales). The purpose of this action is to correct errors contained in the text of the regulation that inadvertently refers to regulations contained in the previous paragraph within section 224.103.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	
NPRM Comment	04/00/05	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric

Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2332

RIN: 0648-AS76

621. • CIVIL PROCEDURES GOVERNING PROSECUTION AND ADMINISTRATIVE PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq; 16 USC 1531 to 1543; 16 USC 1361 to 1407; 16 USC 3371 to 3378; ...

CFR Citation: 15 CFR 904

Legal Deadline: None

Abstract: This rule amends the procedures governing NOAA's administrative proceedings for the assessment of civil penalties, suspension, revocation, modification, or denial of permits, issuance and use of written warnings, and release of forfeiture of seized property.

Timetable:

Action	Date	FR Cite
NPRM	10/12/04	69 FR 60569
NPRM Comment	12/13/04	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Meggan Walls Engelke-Ros, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, 8484 Georgia Avenue, Suite 400, Silver Spring, MD 20910
Phone: 301 427-2202
Fax: 301 427-2211
Email: meggan.engelke-ros@noaa.gov

RIN: 0648-AS54

622. • SEA TURTLE CONSERVATION; EXCEPTIONS TO TAKING PROHIBITIONS FOR ENDANGERED SEA TURTLES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701

CFR Citation: 50 CFR 222

Legal Deadline: None

Abstract: NMFS proposes to allow any agent or employee of NMFS, the U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, or any other Federal land or water management agency, or

DOC—NOAA

Proposed Rule Stage

any agent or employee of a state agency responsible for fish and wildlife who is designated by his or her agency for such purposes, when acting in the course of his or her official duties, to take endangered sea turtles if such taking is necessary to aid a sick, injured, entangled or stranded endangered sea turtle or dispose of such specimen or salvage such specimen which may be useful for scientific and educational purposes. This action is necessary to provide

equal conservation and protection measures to sick, injured, entangled and stranded endangered sea turtles as is afforded for threatened sea turtles under 50 CFR 223.206.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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

RIN: 0648-AS57

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

623. 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) as official data. NOAA intends to offer two types of certification. The first type, "Certified NOAA ENC Distributor," is for NOAA ENCs downloading, exact copying, and redistribution of those copies of NOAA ENCs data. The second type, "Certified NOAA ENC Value Added Distributor," permits reformatting official NOAA ENCs into a System Electronic Navigational Chart (SENC) using type-approved software, and distribution of that SENC. Both types of certification result in products that meet Federal chart carriage regulations. Both types of certification permit, but do not require,

compression, encryption, and packaging with other data. NOAA intends by this action to assure that quality official NOAA ENC data is offered to the public in support of safe navigation on U.S. waters.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

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

624. • QUALITY ASSURANCE PROGRAM FOR HYDROGRAPHIC PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 892(a); 33 USC 892(b); HSIA 2002 sec 303; HSIA 2002 sec 304

CFR Citation: 15 CFR 996

Legal Deadline: NPRM, Statutory, December 19, 2004. The Administrator, by not later than 2 years after the date of enactment of the Hydrographic Services Improvement

Act Amendment of 2002 [enacted Dec. 19, 2002], shall, subject to the availability of appropriations, develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator.

Abstract: The National Oceanic and Atmospheric Administration (NOAA) has been mandated to develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator. "Hydrographic products" are any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data. The Administrator proposes to fulfill this mandate by establishing procedures by which hydrographic products are proposed for certification; by which standards and compliance tests are developed, adopted, and applied for those products; and by which certification may awarded or denied. These procedures would be the mandated Quality Assurance Program, and the implementation of the program would be the execution of those procedures for specific hydrographic products.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Enabnit, Technical Director, Department of Commerce, National Oceanic and

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Proposed Rule Stage

Atmospheric Administration, N/CS,
1315 East West Highway, Silver Spring,
MD 20910
Phone: 301 713-2770
Fax: 301 713-4019
Email: dave.enabnit@noaa.gov

RIN: 0648-AS50

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

Regulatory Plan: This entry is Seq. No. 33 in part II of this issue of the **Federal Register**.

RIN: 0648-AS83

Department of Commerce (DOC)

Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

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

Timetable:

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53334
NPRM Comment Period End	10/10/03	
Interim Final Rule	06/07/04	69 FR 31751
Interim Final Rule Comment Period End	07/07/04	
Final Action	01/00/05	

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

627. PROPOSED HIGHLY MIGRATORY SPECIES PROCESS

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 635

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AK40

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

Timetable:

Action	Date	FR Cite
NPRM	01/21/04	69 FR 2875
NPRM Comment Period End	02/20/04	
Final Action	11/00/04	

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

DOC—NOAA

Final Rule Stage

629. 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**630. 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 white marlin measures are necessary to comply with ICCAT obligations.

Timetable:

Action	Date	FR Cite
NPRM	09/17/03	68 FR 54410
NPRM Comment Period End	10/24/03	
Final Action	06/00/05	

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

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

RIN: 0648-AQ65**631. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SWORDFISH QUOTAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	06/20/03	68 FR 36967
NPRM Comment Period End	08/04/03	
Final Action	11/00/04	

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**632. 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
Notice	06/23/04	69 FR 34988
NPRM	07/22/04	69 FR 43789
NPRM Comment Period End	09/07/04	
Final Action	11/00/04	

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: 808 973-2937

RIN: 0648-AQ92**633. 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

DOC—NOAA

Final Rule Stage

Abstract: This rule would implement the trade restrictive measures recommended at the 2002 and 2003 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The rule would lift the import prohibition on Atlantic bigeye tuna from Honduras, St. Vincent and the Grenadines, and Belize. Bigeye tuna imports from Sierra Leone, Bolivia, and Georgia would be banned. The import prohibitions on Atlantic bluefin tuna and Atlantic swordfish would be lifted from Honduras and Belize. Bluefin tuna and swordfish imports from Sierra Leone would be banned. The rule would also prohibit imports from vessels on the ICCAT negative list and would require prior notification from NMFS before a U.S. documented or registered vessel enters a chartering arrangement with another country.

Timetable:

Action	Date	FR Cite
NPRM	05/06/04	69 FR 25357
NPRM Comment Period End	06/21/04	
Final Action	11/00/04	

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**634. FRAMEWORK 5 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would establish the ability to set multi-year specifications for the summer flounder, scup, and black sea bass fishery.

Timetable:

Action	Date	FR Cite
NPRM	08/30/04	69 FR 52874
NPRM Comment Period End	09/14/04	
Final Action	10/28/04	69 FR 62818

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

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

RIN: 0648-AR50**635. FRAMEWORK 16 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN AND FRAMEWORK ADJUSTMENT 39 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52470
NPRM Comment Period End	09/10/04	
Final Action	11/00/04	

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-AR55**636. 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 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
Notice	07/14/04	69 FR 42128
NPRM	07/27/04	69 FR 44634
NPRM Comment Period End	09/10/04	
Final Action	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-AR77**637. 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

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limitations. The purpose of this action is to amend the current regulations authorizing a subsistence fishery for halibut in Convention waters off Alaska. The main goal of this action is to adjust gear and harvest restrictions for Alaska residents who practice subsistence fishing for halibut specific to their respective region. An additional goal is to implement specific mitigation measures for tribes and rural communities in areas where gear and harvest limitations may action is considered non-controversial because it moderately amends an existing rule.

Timetable:

Action	Date	FR Cite
NPRM	07/09/04	69 FR 41447
NPRM Comment Period End	08/09/04	
Final Action	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-AR88**638. 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	07/20/04	69 FR 43383
NPRM Comment Period End	08/04/04	
Final Action	10/21/04	69 FR 61768

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

Agency Contact: 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**639. ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SHARK COMMERCIAL MANAGEMENT MEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	09/17/04	69 FR 56024
NPRM Comment Period End	10/18/04	
Final Action	12/00/04	

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**640. MAGNUSON-STEVENS ACT PROVISIONS; FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; PACIFIC COAST GROUND FISH FISHERY; BIENNIAL SPECIFICATIONS AND MANAGEMENT MEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660

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

Final, Statutory, December 2004.

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

Timetable:

Action	Date	FR Cite
NPRM	09/21/04	69 FR 56549
NPRM Comment Period End	10/21/04	
Final Action	12/00/04	

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**641. 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	

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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**642. FRAMEWORK 40A TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN****Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This framework 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	09/14/04	69 FR 55388
NPRM Comment Period End	09/29/04	
Final Action	12/00/04	

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-AS34**643. RESTRICTIONS FOR 2004 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 951 to 961; 16 USC 971 et seq**CFR Citation:** 50 CFR 300**Legal Deadline:** Final, Statutory, July 1, 2004, Agreement under IATTC.

Abstract: NMFS announces the 2004 conservation and management measures for international tuna fisheries in the eastern tropical Pacific Ocean. These are a six-week closure of purse seine fisheries and a closure of any national longline fishery which reaches a catch level for bigeye tuna equal to the catch made by that fleet in 2001. The Tuna Conventions Act calls for the United States to take action to implement conservation and management measures for the U.S. fisheries that are affected. Thus, the intended effect of the rule is to establish prohibition of U.S. vessels purse seine fishing for tuna in the IATTC convention area for the November 20 - December 31 period and to announce that the U.S. longline fishery in the convention area will be closed if the catch in 2004 reaches the catch level of 2001. This will conform to the IATTC recommendation that was approved by the Department of State

Timetable:

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35569
NPRM Comment Period End	07/12/04	
Final Action	11/00/04	

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**644. 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	09/22/04	69 FR 56384
NPRM Comment Period End	10/21/04	
Final Action	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-AS41**645. • REORGANIZE, BY REDESIGNATION, THE FISHING CAPACITY REDUCTION PROGRAM (FCRP) REGULATIONS AND FCRP FEE SYSTEM REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** None**Legal Deadline:** None

Abstract: This action would amend the regulations in order to reorganize, by redesignation, the fishing capacity reduction program (FCRP) regulations and FCRP fee system regulations. To accomplish this, it is also necessary to redesignate regulatory provisions implementing the Shark Finning Prohibition Act. The redesignation involves changing subparts, renumbering regulatory provisions, and revising regulatory references. The substantive provisions are not changed in any way; only the old Code of Federal Regulations unit numbers are redesignated with new CFR unit numbers. Also, one subpart title and one section title are modified. Several sections are reserved to ensure a logical organization. The intent of this rule is to improve understanding and ease of use of FCRP regulations, and to make additional sequential section numbers available for future FCRP regulations.

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Timetable:

Action	Date	FR Cite
Final Action	09/01/04	69 FR 53359
Correction	11/00/04	

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

Agency Contact: Robert Gorrell, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910
Phone: 301 713–2341
Fax: 301 713–1193
Email: robert.gorrell@noaa.gov

RIN: 0648–AS44

646. • 2005–2006 MANAGEMENT MEASURES FOR COMMERCIAL, RECREATIONAL, AND TREATY INDIAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** Final, Statutory, May 1, 2005, The fishery must open on May 1.

Abstract: The annual management measures for the 2004–2005 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 Action	04/00/05	

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

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

RIN: 0648–AS58

647. 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	

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

648. 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	02/00/05	

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

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

RIN: 0648–AO16

649. 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

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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

650. LISTING DETERMINATIONS FOR 27 EVOLUTIONARILY SIGNIFICANT UNITS (ESUS) OF WEST COAST SALMON AND ONCORHYNCHUS MYKISS

Regulatory Plan: This entry is Seq. No. 34 in part II of this issue of the *Federal Register*.

RIN: 0648-AR93

651. TAKING MARINE MAMMALS INCIDENTAL TO NAVY OPERATION

Priority: Other Significant

Legal Authority: 16 USC 1371 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NMFS is amending its regulations governing the taking of marine mammals incidental to

operations of the U.S. Navy's SURTASS LFA sonar to implement provisions of the National Defense Authorization Act of 2004 (NDAA). The President signed into law the NDAA (P.L. 108-136) on November 24, 2003. Included in this law were amendments to the Marine Mammal Protection Act (MMPA) that apply where a "military readiness activity" is concerned. NMFS and the Navy have determined that the Navy's SURTASS LFA sonar testing and training operations that are the subject of NMFS' July 16, 2002 (67 FR 46712) final rule constitute a military readiness activity because those activities constitute "training and operations of the Armed Forces that relate to combat" and constitute "adequate and realistic testing of military equipment, vehicles, weapons and sensors for proper operation and suitability for combat use."

Timetable:

Action	Date	FR Cite
NPRM	06/29/04	69 FR 38873
NPRM Comment Period End	07/29/04	
Final Action	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

652. • TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; TUNA PURSE SEINE VESSELS IN THE EASTERN TROPICAL PACIFIC OCEAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: This rule (1) allows the entry of yellowfin tuna into the United States under certain conditions from nations fully complying with the International Dolphin Conservation Program that otherwise would be under embargo, (2)

allows U.S. vessels to set their purse seines on dolphins in the eastern tropical Pacific Ocean, (3) changes the standard for use of "dolphin-safe" labels for tuna products, and (4) ensures adequate tracking and verification of tuna exported from or sold in the United States that is purported to be dolphin-safe.

Timetable:

Action	Date	FR Cite
Final Action	09/13/04	69 FR 55288
Correction	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0648-AS45

653. • SEA TURTLE REQUIREMENTS FOR COMMERCIAL SHRIMP FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531-1561 et seq

CFR Citation: 50 CFR 223

Legal Deadline: None

Abstract: NMFS intends to publish a temporary 30-day rule to allow the shrimp fishery operating in Louisiana, Alabama, and Mississippi to use tow times in lieu of Turtle Excluder Devices (TEDs). The action is necessary because debris from hurricanes Ivan, Frances, and Charley have rendered TEDs ineffective at sea turtle exclusion. This action will benefit the shrimp fishery by allowing them to continue to fish while protecting sea turtles.

Timetable:

Action	Date	FR Cite
Final Action	10/15/04	69 FR 61155

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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

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Agency Contact: Laurie Allen,
Director, Office of Protected Resources,
Department of Commerce, National

Oceanic and Atmospheric
Administration, 1315 East-West
Highway, Silver Spring, MD 20910

Phone: 301 713-2332

RIN: 0648-AS79

**NATIONAL OCEAN SERVICE/OFFICE
OF OCEAN AND COASTAL
RESOURCE MANAGEMENT**

**654. 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 documents

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	11/00/04	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Reed Bohne,
Manager, Gray's Reef National Marine
Sanctuary, Department of Commerce,
National Oceanic and Atmospheric
Administration, 10 Ocean Science
Circle, Savannah, GA 31411
Phone: 912 598-2345

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Email: reed.bohne@noaa.gov

RIN: 0648-AQ41

Department of Commerce (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

**NATIONAL MARINE FISHERIES
SERVICE**

**655. • GENERIC AMENDMENT TO
PROVIDE FOR REGULATIONS OF
OFFSHORE AQUACULTURE OF
SELECTED FISH**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: This action would: (1)
Summarize existing Federal statutes,
programs and rules that apply to
aquaculture of fish and marine
organisms in waters of the EEZ; (2) list
the fishery stocks that may be cultured
in an aquaculture program carried out
under this amendment; (3) discuss the
environmental and other effects of the
various aquaculture practices to
provide a background for selecting the
best business practices possible for
regulating the aquaculture process; and
(4) set forth a broad range of
management alternatives for public
consideration in selecting the best
management practices possible.

Timetable:

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

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AS65

**656. • AMENDMENT 17 TO THE
COASTAL MIGRATORY FISHERY
MANAGEMENT PLAN OF THE GULF
OF MEXICO AND SOUTH ATLANTIC**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

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

Timetable:

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

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Crabtree,
Regional Administrator, Southeast
Region, Department of Commerce,
National Oceanic and Atmospheric
Administration, National Marine
Fisheries Service, 9721 Executive
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33702-2432

Phone: 727 570-5305

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RIN: 0648-AS70

**657. RIGHT WHALE SHIP STRIKE
REDUCTION**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 224

Timetable:

Action	Date	FR Cite
ANPRM	06/01/04	69 FR 30857
NPRM Comment Period Reopened	07/09/04	69 FR 41446
ANPRM Comment Period End	08/02/04	

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

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

Agency Contact: Laurie Allen
 Phone: 301 713-2332
RIN: 0648-AS36

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

658. 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

659. 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

660. 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 Period End	10/23/00	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Helen Golde
 Phone: 301 713-3145

RIN: 0648-AO36

661. PROCEDURAL CHANGES TO THE FEDERAL CONSISTENCY PROCESS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 930

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: David W. Kaiser
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RIN: 0648-AP98

NATIONAL OCEAN SERVICE/OFFICE OF MINERAL ENERGY

662. 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

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RIN: 0648-AR16

OFFICE OF THE ADMINISTRATOR

663. REGIONAL MARINE RESEARCH PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Don Scavia

Phone: 301 713-3060

RIN: 0648-AF20

Department of Commerce (DOC)

Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

664. 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
Withdrawn	09/22/04	

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-AL78**665. 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	06/23/04	69 FR 35194

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**666. AMENDMENT 13 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN (FMP)****Priority:** Economically Significant. Major under 5 USC 801.**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

Action	Date	FR Cite
Correction	04/30/04	69 FR 23667
Correction	06/14/04	69 FR 32900
Correction	07/07/04	69 FR 41026

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**667. 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.

DOC—NOAA

Completed Actions

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. This 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	06/15/04	69 FR 33315

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**668. 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 Rule	07/13/04	69 FR 41980
Final Action	09/03/04	69 FR 53839

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**669. 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
NPRM Comment Period End	06/03/04	
Final Action	08/06/04	69 FR 47798

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**670. AMENDMENT 1 TO THE SPINY DOGFISH 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 revise the rebuilding program and other management measures in the FMP.

Timetable:

Action	Date	FR Cite
Withdrawn	09/16/04	

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-AQ86**671. 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	06/22/04	69 FR 34613

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

DOC—NOAA

Completed Actions

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

672. 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	06/14/04	69 FR 32901

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

673. 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	08/27/04	69 FR 52609

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

674. 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. To implement Amendment 21, this action would: (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).

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

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

675. 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	

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Action	Date	FR Cite
Notice	12/02/03	68 FR 67390
Comment Period End	02/02/04	
Final Action	05/12/04	69 FR 26313

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**676. 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	07/06/04	69 FR 40734

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**677. REVISIONS TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR 2004 AND BEYOND****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 300**Legal Deadline:** None

Abstract: Each year, the Pacific Fishery Management Council (Council) reviews its Pacific Halibut Catch Sharing Plan (Plan) with the public to determine whether revisions are needed to management objectives for any of the West Coast halibut fisheries. Off the coast of Washington, halibut treaty tribes hold a directed commercial fishery and a ceremonial and subsistence fishery for halibut. Non-treaty fishers operating off Washington, Oregon, and California participate in one of three separate commercial fisheries, and/or in one of seven separate recreational fisheries for halibut. For 2004, the Council has recommended minor changes to the Plan that would: Revise public notification processes for revisions to Washington sport fishery regulations; slightly revise season start dates in the Washington North Coast and South Coast subareas; revise the parameters for setting Oregon Central Coast fishing dates pre-season to provide more potential fishing days to the public; extend the season duration south of Humbug Mountain to October 31; and, clarify Federal halibut season regulations so that they provide better protection for overfished groundfish species by stating that halibut possession is prohibited in waters closed to halibut fishing and that the waters closed to recreational nearshore halibut fishing are the same as those closed to recreational groundfish fishing.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8162

Action	Date	FR Cite
NPRM Comment Period End	03/09/04	
Final Action	05/04/04	69 FR 24524

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**678. 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	06/25/04	69 FR 35577
NPRM Comment Period End	07/12/04	
Final Action	08/19/04	69 FR 51400

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: 808 973-2937

RIN: 0648-AR85

DOC—NOAA

Completed Actions

679. 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	

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**680. 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 was published in the Federal Register April 15, 2004.

Timetable:

Action	Date	FR Cite
NPRM	05/18/04	69 FR 28106
NPRM Comment Period End	07/02/04	
Final Action	08/17/04	69 FR 51010

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**681. 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	08/18/04	69 FR 51191

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**682. REVISED DEFINITION OF ALASKA LOCAL TIME****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 679**Legal Deadline:** None**Abstract:** This regulatory amendment would revise the definition of "Alaska local time." This action is being taken to address instances when a fishery occurs both in the Alaska time zone and the Hawaii-Aleutian time zone. These instances cause confusion because different parts of the same management area would close at different times.**Timetable:**

Action	Date	FR Cite
Withdrawn	08/11/04	

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-AS11**683. 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

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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
Withdrawn	08/11/04	

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
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RIN: 0648-AS12

684. 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
Final Action	06/02/04	69 FR 31091
Comment Period End	08/02/04	

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
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RIN: 0648-AS14

685. 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	06/16/04	69 FR 33581

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

686. 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. 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
Notice	06/18/04	69 FR 34116
NPRM	07/07/04	69 FR 40851
NPRM Comment Period End	08/17/04	
Final Action	09/28/04	69 FR 57874
Correction	10/15/04	69 FR 61157

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

687. 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

DOC—NOAA

Completed Actions

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	06/15/04	69 FR 33321

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

688. • REORGANIZE AND REDESIGNATE REGULATIONS AT 50 CFR 660, SUBPART G FOR WEST COAST GROUND FISH FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This action would reorganize regulations implementing the Pacific Coast Groundfish Fishery Management Plan. This final rule would revise 50 CFR 660, subpart G by reorganizing regulations at sections 660.301 to 660.332 and at sections 660.359 to 660.370 and by moving text from those regulations to sections 660.370 to 660.390 so that the groundfish regulations read in a more logical order. This final rule is intended to improve the organization of these regulations but does not change any requirements in, or the effect of the regulations. This reorganization and redesignation of these regulations is also intended to revise the order of the regulations so that they are organized in a fashion that will allow NMFS to more effectively and efficiently codify the 2005-2006

groundfish specifications and management measures.

Timetable:

Action	Date	FR Cite
Final Action	07/15/04	69 FR 42345

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 206 526-6150

Fax: 206 526-6426

RIN: 0648-AS43

689. • ESTABLISH ROUTINE MANAGEMENT MEASURE AUTHORITY, UNDER THE PACIFIC COAST GROUND FISH FMP TO CLOSE THE PACIFIC WHITING PRIMARY SEASON FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This action would establish routine management measure authority, under the Pacific Coast Groundfish Fishery Management Plan, that will close the Pacific whiting primary season fisheries by sector before the sector's whiting allocation is reached, to protect overfished species. The intended effect of the emergency action is to provide for a fast response if there is evidence that the incidental catch of an overfished species is likely to result in the Optimum Yield for that species being exceeded.

Timetable:

Action	Date	FR Cite
Final Action	08/03/04	69 FR 46448

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Phone: 206 526-6150

Fax: 206 526-6426

RIN: 0648-AS48

690. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); ATLANTIC PELAGIC AND BOTTOM LONGLINE FISHERIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: In July 2004, NMFS published a final rule to implement bycatch and bycatch mitigation measures for sea turtles in the Atlantic pelagic longline fishery (PLL). Under that rule, gear requirements to release sea turtles for most of the PLL fishery will be effective on August 5, 2004. Because of cross-references between sections, that rule inadvertently changed the requirements of the bottom longline (BLL) fishery, which was not the focus of July 2004 rulemaking, to include the same gear requirements as the PLL fishery. The current action would correct the regulations to ensure that current BLL release gear requirements remain in place, consistent with a December 2003 final rule.

Timetable:

Action	Date	FR Cite
Final Action	08/06/04	69 FR 47797

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

Related RIN: Related to 0648-AR80

RIN: 0648-AS52

691. • FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA; CHINIAK GULLY RESEARCH AREA FOR VESSELS USING TRAWL GEAR

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

DOC—NOAA

Completed Actions

Legal Deadline: None

Abstract: NMFS is rescinding the trawl closure in the Chiniak Gully Research Area. This action is necessary to allow vessels using trawl gear to participate in directed fishing for groundfish in the Chiniak Gully Research Area after the completion of NMFS research on September 11, 2004.

Timetable:

Action	Date	FR Cite
Final Action	09/16/04	69 FR 55782

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-AS60

692. INTERAGENCY POLICY ON THE PRESCRIPTION OF FISHWAYS UNDER SECTION 18 OF THE FEDERAL POWER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 742; 16 USC 661 et seq; 16 USC 791a et seq; 16 USC 1531 et seq; 16 USC 811 et seq; ...

CFR Citation: 18 CFR 385.713

Legal Deadline: None

Abstract: This rulemaking invites public comment on proposed internal policy for the U.S. Fish and Wildlife Service and National Marine Fisheries Service (the Services) regarding the prescription of fishways pursuant to section 18 of the Federal Power Act for non-Federal hydropower projects licensed by the Federal Energy Regulatory Commission (FERC). The proposed policy is intended to set forth the definition of fishways in accordance with the 1992 National Energy Policy Act and the procedures for the prescription of fishways. The policy does not introduce new procedures but standardizes current practices and existing procedures for providing fishway prescriptions.

Timetable:

Action	Date	FR Cite
Notice	12/22/00	65 FR 80898

Action	Date	FR Cite
Notice Comment Period End	02/20/01	
Withdrawn	09/01/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Kathryn Conant, Habitat Specialist, NMFS, Office of Habitat Conservation, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2325

Fax: 301 713-1043

Email: kathryn.conant@noaa.gov

RIN: 0648-AO70

693. POLICY FOR REVIEW OF MANDATORY CONDITIONS DEVELOPED BY THE DEPARTMENTS OF THE INTERIOR AND COMMERCE IN THE CONTEXT OF HYDROPOWER LICENSING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 791a et seq; 16 USC 811; 16 USC 797(e); 16 USC 8251(b)

CFR Citation: 18 CFR 385.713

Legal Deadline: None

Abstract: The Department of the Interior and the Department of Commerce (Departments) have formalized a process for public review of and comment on mandatory conditions and prescriptions the Departments develop for inclusion in hydropower licenses issued by the Federal Energy Regulatory Commission pursuant to part I of the Federal Power Act. This policy provides an opportunity for public comment on the Departments' mandatory conditions and prescriptions for both the traditional licensing process and the alternative licensing process.

Timetable:

Action	Date	FR Cite
Notice	12/13/00	65 FR 77889
Notice Comment Period End	01/03/01	
Withdrawn	09/01/04	

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, Habitat Specialist, NMFS, Office of Habitat Conservation, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2325

Fax: 301 713-1043

Email: kathryn.conant@noaa.gov

RIN: 0648-AO84

694. 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
Withdrawn	09/21/04	

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

DOC—NOAA

Completed Actions

695. CAPTIVE STELLER SEA LIONS**Priority:** Substantive, Nonsignificant**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
Withdrawn	09/14/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**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**696. 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
NPRM Comment Period End	12/12/02	
Final Action	07/13/04	69 FR 41976

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**697. 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	
NPRM	07/02/04	69 FR 40346
NPRM Comment Period End	07/23/04	
Final Action	08/05/04	69 FR 47732

Regulatory Flexibility Analysis**Required:** 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**Related RIN:** Related to 1018-AI95**RIN:** 0648-AQ69**698. 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	07/20/04	69 FR 43338

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**699. 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

DOC—NOAA

Completed Actions

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
Merged With 0648-AR39	09/21/04	

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

Related RIN: Merged with 0648-AR39

RIN: 0648-AR81

700. 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
Comment Period Extended	05/13/04	69 FR 26539
NPRM Comment Period End	05/13/04	
NPRM Comment Period Extended	06/14/04	
Final Action	08/10/04	69 FR 48407

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

701. 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	09/13/04	69 FR 55288

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

702. • SEA TURTLE CONSERVATION; SHRIMP TRAWLING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701

CFR Citation: 50 CFR 222; 50 CFR 223

Legal Deadline: None

Abstract: This action would amend 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 incidental capture of endangered and threatened sea turtles during shrimp trawling. Specifically, this action would 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 and additional option for complying with the TED regulations that also protects large sea turtles from mortality related to shrimp trawling.

DOC—NOAA

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	06/14/04	69 FR 32898

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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-AS42

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

Proposed Rule Stage

703. 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

704. FAST TRACK EXAMINATION

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1123; 35 USC 2; ...

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

Legal Deadline: None

Abstract: The United States Patent and Trademark Office amends its rules to permit an applicant to obtain examination of an application for registration of a mark at a reduced fee if the applicant files a complete application through the Trademark Electronic Application System (TEAS), responds to Office actions within two months of the mailing date, files communications regarding the application through TEAS, and authorizes the Office to send communications concerning the application by electronic mail. This rule would also allow the Office to charge graduated fees for filing trademark applications, based upon the costs the Office incurs in processing the application.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	
NPRM Comment Period End	04/00/05	

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

705. • REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2006

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 41; 35 USC 376; 35 USC 2(b)(2)

CFR Citation: 37 CFR 1.16 to 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 41.20; 37 CFR 2.6

Legal Deadline: Final, Statutory, October 1, 2005, Final Action Effective Date.

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	
Final Action	07/00/05	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: C/OF Tamara McClure, Department of Commerce, Patent and Trademark Office, Crystal Park 1, Room 307, 2011 Crystal Drive, Arlington, VA 22202
Phone: 703 308-5075
Email: tamara.mcclure@uspto.gov

RIN: 0651-AB81

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

Final Rule Stage

706. CHANGES TO REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 500(a); 35 USC 2(b) 2(D)

CFR Citation: 37 CFR 1; 37 CFR 2; 37 CFR 10; 37 CFR 11

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (USPTO) amends its regulations to update the procedures regarding enrollment and discipline. The office also replaces the current USPTO Code of Professional Responsibility, which is based on the Model Code of Professional Responsibility of the American Bar Association, with USPTO Rules of Professional Conduct, which are based largely on the Model Rules of Professional Conduct of the American Bar Association.

Timetable:

Action	Date	FR Cite
NPRM	12/12/03	68 FR 66648
NPRM Comment Period End	02/12/04	
Notice	03/03/04	69 FR 9986
Comment Period End	06/11/04	
Final Action – Part I	06/24/04	69 FR 35428
Final Action – Part II	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: See 69 FR 9986-9987.

Agency Contact: Harry I. Moatz, Director of Enrollment and Discipline, Department of Commerce, Patent and Trademark Office, Office of Enrollment and Discipline, P. O. Box 1450, Alexandria, VA 22313
 Phone: 703 306-4097

Related RIN: Related to 0651-AB38

RIN: 0651-AB55

707. 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 Period End	11/12/03	
Final Rule	11/00/04	
Final Rule Effective	12/00/04	

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

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RIN: 0651-AB64

708. • CHANGES TO IMPLEMENT PRIORITY APPLICATION EXCHANGE BETWEEN INTELLECTUAL PROPERTY OFFICES

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. One priority of the 21st Century Strategic Plan is the electronic exchange of information and documents between intellectual property offices to reduce costs associated with seeking patent protection in more than one country. Consistent with this priority, the Office is proposing changes to the rules of practice to provide for the electronic transfer of certified copies of applications for which priority benefit is claimed under the Paris Convention (priority applications) from other intellectual property offices with which the Office has negotiated priority application exchange agreements. The Office is also proposing to revise its rules of practice to permit applicants to request that the Office permit other participating intellectual property offices to electronically retrieve certified copies of United States patent applications for free. This electronic exchange of priority applications will benefit applicants by reducing the cost of ordering paper certified copies of priority applications for filing in other participating intellectual property offices, and will benefit participating intellectual property offices by reducing the administrative costs associated with transferring paper copies of priority applications and scanning them into the electronic image record management systems.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

DOC—PTO

Final Rule Stage

Agency Contact: Robert W. Bahr,
Senior Patent Attorney, Department of
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Office, Office of the Deputy

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

Long-Term Actions

**709. 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

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RIN: 0651-AB54

**710. • CHANGES TO IMPLEMENT THE
COOPERATIVE RESEARCH AND
TECHNOLOGY ENHANCEMENT
(CREATE) ACT OF 2004**

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2)

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The Cooperative Research and Technology Enhancement (CREATE) Act of 2004 would (if enacted) amend the patent laws to provide that subject matter developed by another person shall be considered treated as owned by the same person or subject to an obligation of assignment to the same person for purposes of determining obviousness if the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made, and the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement. The CREATE Act of 2004 would also require that the application for patent for the claimed

invention disclose or be amended to disclose the names of the parties to the joint research agreement. The United States Patent and Trademark Office (Office) would in this action change its rules of practice in patent cases to implement the CREATE Act of 2004.

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,

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RIN: 0651-AB76

**711. • REVISION OF EX PARTE AND
INTER PARTES REEXAMINATION
PRACTICE**

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2); 35
USC 301 to 318

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) amends its rules of practice relating to ex parte and inter partes reexamination. The Office would revise the rules of practice to clarify the substantial new question of patentability standard for a second or subsequent request for ex parte reexamination or inter partes reexamination, and to provide for a request for continued reexamination practice to permit entry of a limited number of submissions after a final rejection or action in an ex parte reexamination or inter partes

reexamination. The Office would also revise the rules of practice to require compliance with all the requirements of filing an inter parties reexamination before a filing date will be assigned to an inter parties reexamination, and to prohibit supplemental patent owner responses to an Office action in an inter parties reexamination without a showing of cause.

Timetable:

Action	Date	FR Cite
NPRM	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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RIN: 0651-AB77

**712. • CHANGES TO IMPLEMENT THE
REFUND PROVISIONS OF THE
UNITED STATES PATENT AND
TRADEMARK FEE MODERNIZATION
ACT OF 2004 AND TO THE PRACTICE
FOR HANDLING PATENT
APPLICATIONS FILED WITHOUT
APPROPRIATE FEES**

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2)

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: Among other changes to patent and trademark fees, the United States Patent and Trademark Fee Modernization Act of 2004 splits the patent application filing fee into a separate filing fee, search fee and examination fee, requires an additional fee for certain applications whose

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Long-Term Actions

specification and drawings exceed 100 sheets of paper, and provides that the United States Patent and Trademark Office (Office) may refund part or all of the excess claim fee, the examination fee, and the search fee in certain situations. This action also amends the Office's practice for handling patent applications filed without the appropriate filing, search, and examination fees, as well as changes to implement the provisions for refunding part or all of the excess claim fee, the examination fee, and the search fee in certain situations. The Office is

implementing the changes to the patent fees provided in the United States Patent and Trademark Fee Modernization Act of 2004 in a separate rule making (0651-AB54).

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, 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

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Related RIN: Related to 0651-AB54, Related to 0651-AB69

RIN: 0651-AB79

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

Completed Actions

713. 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.

Timetable:

Action	Date	FR Cite
NPRM	11/26/03	68 FR 66648
NPRM Comment Period End	01/26/04	
Final Action	09/13/04	69 FR 49960
Final Action Effective	09/13/04	
Correction	09/30/04	69 FR 58260

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

714. 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 Period End	02/02/04	
Final Action	08/19/04	69 FR 51362

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 0651-AB67

715. REVISION OF UNITED STATES PATENT AND TRADEMARK OFFICE PRACTICE FOR HANDLING PATENT APPLICATIONS FILED WITHOUT THE APPROPRIATE FEES

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2) ; 35 USC 41

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: Among other changes to patent and trademark fees, the United States Patent and Trademark Office Fee Modernization Act of 2003 would split the patent application filing fee into a separate filing fee, search fee and examination fee. The United States Patent and Trademark Office Fee Modernization Act of 2003 would (if enacted) also require an additional fee for any application whose specification and drawings, excluding any sequence listing or computer program listing filed in the prescribed electronic medium, exceed 100 sheets of paper. This notice changes the United States Patent and Trademark Office practice for handling patent applications filed without the appropriate fees in view of the revised patent fee structure set forth in the United States Patent and Trademark Office Fee Modernization Act of 2003. The United States Patent and Trademark Office will implement

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Completed Actions

the changes to the patent fees provided in the United States Patent and Trademark Office Fee Modernization Act of 2003 in a separate rule making.

Timetable:

Action	Date	FR Cite
Withdrawn	07/14/04	

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

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Related RIN: Related to 0651-AB54, Merged with 0651-AB79

RIN: 0651-AB69

716. 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; 37 CFR 41.20; ...

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
NPRM Comment Period End	06/09/04	
Final Action	08/27/04	69 FR 52604
Final Action Effective	10/01/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Tamara McClure, Financial Systems Analyst, Department of Commerce, Patent and Trademark Office, Crystal Park 1, Room 307, 2011 Crystal Drive, Arlington, VA 22202

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RIN: 0651-AB70

717. 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 submit payments to replenish their deposit accounts by electronic funds transfer through the Federal Reserve Fedwire System or over the Office's Internet Web site (www.uspto.gov), and by check or money order sent through the mail. The Office will continue to accept credit cards as payment for all other fees.

Timetable:

Action	Date	FR Cite
Final Action	07/22/04	69 FR 43751
Final Action Effective	08/23/04	

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, Crystal Park 1, Room 307, 2011 Crystal Drive, Arlington, VA 22202

Phone: 703 308-9649

RIN: 0651-AB74

718. • NEW MAILING ADDRESSES FOR PAPER SUBMISSIONS OF TRADEMARK-RELATED CORRESPONDENCE AND MADRID PROTOCOL RULES CHANGE

Priority: Substantive, Nonsignificant

Legal Authority: 315 USC 1123; 35 USC 2

CFR Citation: 37 CFR 2.190; 37 CFR 2.195; 37 CFR 2.197; 37 CFR 7.4; 37 CFR 7.7; 37 CFR 7.11; 37 CFR 7.14;

37 CFR 7.21; 37 CFR 7.23; 37 CFR 7.25; 37 CFR 7.31; ...

Legal Deadline: None

Abstract: The United States Patent and Trademark Office (Office) is amending some of the rules that govern the implementation of the Madrid Protocol in the United States. Specifically, the Office is (1) removing the requirements that international applications, subsequent designations, responses to notices of irregularity issued by the International Bureau of the World Intellectual Property Organization ("IB"), and requests for transformation be filed through Trademark Electronic Application System; (2) removing the requirements that fees for international applications, subsequent designations, and requests to record changes of ownership in the International Register be paid at the time of submission of the document to the Office for forwarding to the IB; and (3) designating an address for mailing international applications, subsequent designations, responses to notices of irregularity, and petitions to the Director to review refusals by the Office's Madrid Processing Unit to certify international applications.

Timetable:

Action	Date	FR Cite
Final Action	09/24/04	69 FR 57181
Final Action Effective	10/04/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651-AB78

719. • WAIVER OF PIXEL REQUIREMENT FOR DRAWINGS FILED ELECTRONICALLY

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2

CFR Citation: 37 CFR 2

Legal Deadline: None

Abstract: The United States Patent and Trademark Office amends its regulations to waive the requirement

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Completed Actions

that drawings filed through the Trademark Electronic Application System have a length and width of no less than 250 pixels and no more than 944 pixels.

Timetable:

Action	Date	FR Cite
Final Action	10/06/04	69 FR 59809

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

Agency Contact: Cheryl L. Black, Staff Attorney, Department of Commerce, Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202
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Related RIN: Related to 0651-AB45**RIN:** 0651-AB82
**Department of Commerce (DOC)
Technology Administration (TA)**

Proposed Rule Stage

720. LICENSING OF GOVERNMENT-OWNED INVENTIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 208**CFR Citation:** 37 CFR 404**Legal Deadline:** None

Abstract: This action incorporates several changes made by the Federal Technology Commercialization Act of 2000 with respect to the granting of

licenses by Federal agencies on Federally owned inventions. It also streamlines the licensing procedures to focus primarily on statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

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

Agency Contact: John Raubitschek, Patent Counsel, Department of Commerce, Technology Administration, 14th & Pennsylvania Ave, NW, HCHB Room 4835, Washington, DC 20230
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RIN: 0692-AA19
**Department of Commerce (DOC)
Technology Administration (TA)**

Final Rule Stage

721. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS UNDER GOVERNMENT GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 206**CFR Citation:** 37 CFR 401**Legal Deadline:** None

Abstract: This action would amend the regulations to authorize the electronic reporting of inventions and the filing of provisional patent applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/95	60 FR 41811
Interim Final Rule Comment Period End	09/13/95	
Final Action	03/00/05	

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

Agency Contact: John H. Raubitschek, Patent Counsel, Department of Commerce, Technology Administration, HCHB Room 4613, 14th & Pennsylvania Avenue, NW., HCHB Room 4835, Washington, DC 20230
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RIN: 0692-AA14

comments received on the interim final rule and will be making minor changes to the regulation.

Timetable:

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

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

Agency Contact: John H. Raubitschek, Patent Counsel, Department of Commerce, Technology Administration, HCHB Room 4613, 14th & Pennsylvania Avenue, NW., HCHB Room 4835, Washington, DC 20230
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RIN: 0692-AA15

[FR Doc. 04-23633 Filed 12-10-04; 8:45 am]

BILLING CODE 3510-BW-S**722. ACQUISITION AND PROTECTION OF FOREIGN RIGHTS IN INVENTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 10096; 15 USC 3710d**CFR Citation:** 37 CFR 101; 37 CFR 501**Legal Deadline:** None

Abstract: On August 7, 1996, 37 CFR part 101 was abolished and 37 CFR part 501 expanded to cover foreign rights of inventions made by Federal employees. The Technology Administration will be evaluating the