



# Federal Register

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**Monday,  
December 22, 2003**

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**Part IV**

**Department of  
Commerce**

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**Semiannual Regulatory Agenda**

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

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

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

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

Fall 2003 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 2003 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department’s fall 2003 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2003, through September 30, 2004.

**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 July 31, 2003, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2003 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda which contains a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

**Explanation of Information Contained in the Agenda**

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

A large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA’s National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the

technical and institutional elements of the NMFS programs, a section on “Explanation of Information Contained in NMFS Regulatory Entries” is provided below.

**Explanation of Information Contained in NMFS Regulatory Entries**

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

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

The Department’s fall 2003 regulatory agenda follows.

**Theodore W. Kassinger,**  
*General Counsel.*

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
474	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	0690-AA30
475	Employee Responsibilities and Conduct; Removal of Obsolete Regulations .....	0690-AA32

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## Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
476	Quarterly Surveys of International Trade in Services Between U.S. and Foreign Persons .....	0691-AA49
477	BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons .....	0691-AA51
478	Benchmark Survey of U.S. Direct Investment Abroad—2004 .....	0691-AA52
479	International Services Surveys: BE-45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies With Foreign Persons .....	0691-AA53
480	International Services Surveys: BE-25, Quarterly Survey of Transactions With Unaffiliated Foreign Persons in Selected Services and in Intangible Assets .....	0691-AA54

## Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
481	Annual Survey of Foreign Direct Investment in the United States .....	0691-AA48

## Bureau of Economic Analysis—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
482	International Services Surveys: BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons .....	0691-AA50

## Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identification Number
483	Economic Development Administration Regulations .....	0691-AA47

## Bureau of the Census—Prerule Stage

Sequence Number	Title	Regulation Identification Number
484	Full Mandatory Automated Export System (AES) Filing for Export Shipments .....	0607-AA38

## Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
485	Annual Trade Survey .....	0607-AA40

## Bureau of the Census—Final Rule Stage

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

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## Bureau of the Census—Completed Actions

Sequence Number	Title	Regulation Identification Number
487	Special Services and Studies by the Bureau of the Census; Amendments to Age Search Procedures .....	0607-AA24
488	Automated Export System (AES) Mandatory Filing for All Items on the Commerce Control List (CCL) and the United States Munitions List (USML) That Currently Require a Shipper's Export Declaration (SED) .....	0607-AA34
489	Mandatory Automated Export System (AES) for Exports (Re-Exports) of Rough Diamonds .....	0607-AA39

## Economic Development Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
490	Economic Development Administration Regulations .....	0610-AA63

## General Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
491	Public Information, Freedom of Information and Privacy .....	0605-AA14
492	Governmentwide Debarment and Suspension (Nonprocurement) .....	0605-AA16

## International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
493	Commercial Availability of Fabric and Yarn .....	0625-AA59

## International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
494	Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders .....	0625-AA51
495	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
496	Changes in the Insular Possessions Watch, Watch Movement, and Jewelry Program .....	0625-AA63

## Bureau of Industry and Security—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
497	Chemical Weapons Convention Regulations .....	0694-AB06
498	Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications via BIS's Simplified Network Application Process (SNAP) .....	0694-AC20
499	Export Administration Regulations: Penalty Guidance in the Settlement of Administrative Enforcement Cases .....	0694-AC92

## Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
500	Exports and Reexports to Sudan .....	0694-AC05

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

Sequence Number	Title	Regulation Identification Number
501	Revisions and Clarifications to the Export Administration Regulations (EAR) .....	0694-AC24
502	Removal of Licensing Exemption for Exports and Reexports of Missile Technology-Controlled Items Destined to Canada .....	0694-AC48
503	Elimination of "National Security" as a Reason for Control for Certain Items on the Commerce Control List .....	0694-AC54
504	Protective Equipment Export License Jurisdiction .....	0694-AC64
505	License Application Denial Policy, "Red Flag" Indicators of Possible Inappropriate End-Use, End-User, or Destination .....	0694-AC68
506	Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the United States Munitions List .....	0694-AC74
507	Revisions of Energetic Material Export Licensing Jurisdiction Based on Review of the United States Munitions List .....	0694-AC75
508	Revisions to the Export Administration Regulations Based on the 2002 Missile Technology Control Regime Plenary Agreements .....	0694-AC76
509	Export and Reexport Controls on Iraq .....	0694-AC84
510	Lifting of UN Sanctions Against UNITA .....	0694-AC86
511	Amendment to the Export Administration Regulations: Revision to Export Control Classification Number 1C355 .....	0694-AC87
512	Best Practices for Exporters/Re-Exporters and Trade Facilitation/Freight Forwarding Companies Regarding the Transit, Transshipment, and Reexport of Dual-Use Items .....	0694-AC89
513	Clarification of Export Controls on Parts for Military Vehicles .....	0694-AC91

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

Sequence Number	Title	Regulation Identification Number
514	Administration of State Log Exports Ban .....	0694-AB25
515	Clarification of License Exception GFT (Humanitarian Donations) .....	0694-AB49
516	Export Administration Regulations: Support Documentation .....	0694-AC04
517	Expansion of License Exception GOV; Exports and Reexports to International Organizations .....	0694-AC15
518	De Minimis Expansion of Eligibility: U.S. Origin Software Incorporated Into Foreign-Made Retail Commodities .....	0694-AC17
519	Revision to the Export Administration Regulations: Replacement Licenses .....	0694-AC23
520	Short Supply Controls: Crude Oil Exports .....	0694-AC25
521	Crime Control Items: Revisions to the Commerce Control List .....	0694-AC31
522	License Exception AVS: Cuba, Libya, and Serbia .....	0694-AC33
523	Clarifications to Part 753: Special Comprehensive License Requirements .....	0694-AC34
524	Chemical Weapons Convention: Revisions to the Export Administration Regulations .....	0694-AC35
525	Addition and Revision of Missile Projects in the Export Administration Regulations .....	0694-AC46
526	Revision, Suspension, or Prohibition of Use of "No License Required" Provisions .....	0694-AC47
527	Computer Technology and Software Eligible for Export or Reexport Under License Exception TSR .....	0694-AC63
528	License Exception APR for Reexports To, From, and Among Countries in Country Group A:1 .....	0694-AC69
529	Revisions to License Exception TSR: Expansion to Scope of Eligible Countries .....	0694-AC71
530	Addition of East Timor, Netherlands Antilles, and Aruba to the Export Administration Regulations .....	0694-AC77
531	Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices .....	0694-AC82
532	December 2002 Wassenaar Arrangement Plenary Agreement Implementation: Revisions to Categories 1, 2, 3, 4, 5, 6, and 7 of the Commerce Control List, and Reporting Requirements .....	0694-AC85
533	Addition of Kazakhstan to the Nuclear Suppliers Group (NSG), and Other Revisions .....	0694-AC90

## Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identification Number
534	Transfer of Dual-Use Items From U.S. Munitions List to the Commerce Control List .....	0694-AA52
535	Change the Commerce Control List To Revise Controls on Communication Intercepting Devices (Export Commerce Control Number ECCN 5A980) .....	0694-AB41
536	Exports of Technology and Software; Release of Technology or Source Code to Foreign Nationals in the United States .....	0694-AB59
537	Entity List Revision: Khan Research Laboratories .....	0694-AB60
538	India and Pakistan Sanctions .....	0694-AB73

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## Bureau of Industry and Security—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
539	Exports and Reexports of Explosive Detection Systems; Expansion of Foreign Policy Controls .....	0694-AB87
540	Expansion of License Exception CIV Eligibility for Microprocessors Controlled by ECCN 3A001 .....	0694-AB90
541	Export of Technology and Software Through Electronic Transmissions, Downloads, and Programming Onto Hardware .....	0694-AB97
542	Antiterrorism Controls on Iraq .....	0694-AC06
543	Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR) .....	0694-AC22
544	Offsets in Military Exports .....	0694-AC27
545	Entity List: Additions and Revisions .....	0694-AC28
546	Revisions to Encryption Items .....	0694-AC32
547	Exports to Afghanistan (the Taliban) and Liberia: Imposition of Foreign Policy Controls .....	0694-AC45
548	Exports to the Federal Republic of Yugoslavia: Lifting of Sanctions .....	0694-AC57
549	Imposition and Expansion of Controls on Designated Persons .....	0694-AC60
550	Revisions and Clarifications to the Export Administration Regulations—Chemical and Biological Weapons Controls: Australia Group (June 2002 Plenary Meeting) .....	0694-AC70
551	General Order Suspending License Requirement for Exports and Reexports in Support of United Nation Security Counsel Resolution(s) Mandating Inspections in Iraq .....	0694-AC73
552	Export Administration Regulations: Encryption Clarifications and Revisions .....	0694-AC78
553	General Order on Exports to Iraq .....	0694-AC79
554	General Order Removing License Requirements for the Export or Reexport to Iraq of Certain Items Subject to the Export Administration Regulations .....	0694-AC80
555	Export Clearance—Conformance of Export Administration Regulations With Foreign Trade Statistics Regulations ..	0694-AC81
556	Addition of Aruba, Democratic Republic of Congo, Republic of Congo, Democratic Republic of East Timor, and Netherlands Antilles to the Export Administration Regulations .....	0694-AC83

## National Institute of Standards &amp; Technology—Proposed Rule Stage

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

## National Institute of Standards &amp; Technology—Completed Actions

Sequence Number	Title	Regulation Identification Number
558	Procedures for Implementation of the National Construction Safety Team Act .....	0693-AB52

## National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
559	Fleet Capacity Control for U.S. Troll Albacore Tuna Fishing in Canadian Waters .....	0648-AQ22
560	Amendment 1 to the Spiny Dogfish Fishery Management Plan .....	0648-AQ86
561	Amendment 2 to the Atlantic Herring Fishery Management Plan .....	0648-AQ87
562	Weakfish: Increase in Incidental Catch per Amendment 4 .....	0648-AR11
563	Endangered Species and Pesticide Regulation .....	0648-AQ69
564	Designate Critical Habitat; Withdraw Previous Designations .....	0648-AQ77

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## National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
565	Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands .....	0648-AG87
566	Regulatory Amendment To Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery .....	0648-AK26
567	Adjustment of Management Program: Bottomfish Fisheries in the Hawaiian Islands .....	0648-AK82
568	Revise Exempted Fishing Regulations To Specify Compensatory Fishing Under Exempted Fishing .....	0648-AK84
569	Amendment 11 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region .....	0648-AL67
570	Fishery Management Plan for Calico Scallop Fishery in the South Atlantic Region (FMP) .....	0648-AL78
571	Amendment 10 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) .....	0648-AM23
572	Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region .....	0648-AM98
573	Amendment 7 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic FMP .....	0648-AN08
574	Amendment 18 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico .....	0648-AN09
575	Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan .....	0648-AN16
576	Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP) (Reg Plan Seq No. 32) .....	0648-AN17
577	Amendment 9 to the Fishery Management Plan Amendment for the Pelagic Fisheries of the Western Pacific Region .....	0648-AN76
578	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
579	Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic, Caribbean, and Gulf of Mexico (FMP) of the Atlantic .....	0648-AO63
580	Regulatory Amendment Under the Fishery Management Plan for Gulf of Mexico Reef Fish (FMP) To Establish a Red Snapper Stock Rebuilding Plan and To Set Red Snapper Overfishing Targets and Thresholds .....	0648-AP02
581	Amendment 13A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ..	0648-AP03
582	Revision of American Lobster Regulations for the EEZ .....	0648-AP18
583	Regulatory Amendment To Implement Permit Stacking in the Limited-Entry Fixed-Gear Sablefish Fishery in 2002 and Beyond .....	0648-AP38
584	Implementation of Fishery Management Plan for Highly Migratory Species Fisheries Off the West Coast .....	0648-AP42
585	Regulatory Amendment Under the Coastal Migratory Pelagics Fishery Management Plan .....	0648-AP50
586	Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean .....	0648-AP51
587	Atlantic Surf Clam and Ocean Quahog Fisheries; Amendment 13 .....	0648-AP57
588	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9 .....	0648-AP60
589	Implementation of the Regulatory Changes Resulting From the Amendments and Extension of the South Pacific Tuna Act .....	0648-AP61
590	Revise Community Development Quota Program Administration and Allocation Regulations—BSAI FMP Amendment 71 .....	0648-AP67
591	Full Retention of Demersal Shelf Rockfish in Gulf of Alaska Area 650 .....	0648-AP73
592	Amendment to Fishery Management Plan for Reef Fish Resources of Gulf of Mexico to Set 10-Year Rebuilding Plan for Red Grouper .....	0648-AP95
593	Regulatory Amendment to Section 679 Permits or Permit-Related Issues .....	0648-AQ07
594	Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs .....	0648-AQ20
595	Fleet Capacity Control for U.S. Tuna Purse Seine Fisheries in the Eastern Pacific Ocean .....	0648-AQ21
596	Amendment 2 to Monkfish Fishery Management Plan .....	0648-AQ25
597	Amendment 1 to the Atlantic Herring Fishery Management Plan (FMP) and Amendment 2 to the Atlantic Salmon FMP to Address Essential Fish Habitat Conservation Measures .....	0648-AQ27
598	Atlantic Highly Migratory Species (HMS); Bigeye Tuna and Swordfish Trade Statistical Document Programs .....	0648-AQ37
599	Fisheries of the United States; National Standard 1 .....	0648-AQ63
600	Atlantic Highly Migratory Species: Billfish and Swordfish Recreational Fishing .....	0648-AQ65
601	Annual Specifications for the Surf Clam and Ocean Quahog Fisheries for 2004 .....	0648-AQ79
602	Annual Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries for 2004 .....	0648-AQ80
603	Specifications for the 2004–2005 Fishing Year for the Spiny Dogfish Fishery .....	0648-AQ81
604	Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2004 .....	0648-AQ82
605	Annual Specifications for the Atlantic Mackerel, Squid, and Butterfish Fisheries for 2004 .....	0648-AQ83
606	Annual Specifications for the Atlantic Herring Fishery for 2004 .....	0648-AQ84
607	Annual Specifications for the Atlantic Bluefish Fishery for 2004 .....	0648-AQ85
608	“Other Species” CDQ Reserve Management .....	0648-AQ88
609	Adjustment of Management Program; Pelagic Fisheries in the Western Pacific Region .....	0648-AQ91

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

Sequence Number	Title	Regulation Identification Number
610	Amendment 11 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (American Samoa Limited Access Program) .....	0648-AQ92
611	Eastern Pacific Tuna Controls .....	0648-AQ93
612	Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine .....	0648-AQ97
613	Amendment 66 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska .....	0648-AQ98
614	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
615	Port Codes Integration in Table 14 .....	0648-AR07
616	Regulatory Amendment To Change Reporting Areas 620 and 630 .....	0648-AR08
617	Regulatory Rulemaking To Revise Accounting for Externally Tagged Halibut .....	0648-AR09
618	Atlantic Highly Migratory Species; Trade Restrictive Measures .....	0648-AR10
619	Atlantic Highly Migratory Species (HMS); Bluefin Tuna Season and Size Limit Adjustments .....	0648-AR12
620	Catcher Vessel Electronic Report .....	0648-AR30
621	Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations .....	0648-AR33
622	Consideration of a Control Date for Bottomfishing Vessels in the EEZ Around Guam and Commonwealth of the Northern Mariana Islands .....	0648-AR37
623	Amendment 13B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ..	0648-AR38
624	Maximum Retainable Amount .....	0648-AR41
625	Framework 4 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) .....	0648-AR44
626	Establish Referendum Procedures and a Vote Weighting Formula for the Gulf of Mexico Red Snapper Individual Fishing Quota (IFQ) Program .....	0648-AR48
627	Implement Electronic Dealer Reporting and Adjustments to Vessel Reporting Requirements .....	0648-AR49
628	Framework 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery .....	0648-AR50
629	Annual Specifications for the Surf Clam and Ocean Quahog Fishery for Fishing Year 2005 .....	0648-AR52
630	Pacific Coast Groundfish Fishery; Announcement of the 2004 Groundfish Fishery Specifications and Management Measures .....	0648-AR54
631	Framework 16 to the Atlantic Sea Scallop Fishery Management Plan and Framework Adjustment 39 to the Northeast Multispecies Fishery Management Plan .....	0648-AR55
632	Annual Specifications for the Deep-Sea Red Crab Fishery for Fishing Year 2004 .....	0648-AR58
633	Atlantic Highly Migratory Species (HMS); Amendment 2 to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks .....	0648-AR60
634	Atlantic Highly Migratory Species (HMS); Amendment 2 to the Atlantic Billfish Fishery Management Plan .....	0648-AR61
635	Framework 4 to the Summer Flounder, Scup, and Black Sea Bass Fishery .....	0648-AR62
636	Amendment 10 to the Pacific Coast Groundfish Fishery Management Plan .....	0648-AR63
637	Regulatory Amendment to Prohibited Species Catch Donation Regulations To Allow Processing of Heads and Guts .....	0648-AR64
638	Amendment 8 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region .....	0648-AR65
639	Amendment 21 to the Reef Fish Fishery Management Plan .....	0648-AR66
640	Amend Regulations Governing the Taking and Importing of Marine Mammals .....	0648-AH83
641	North Atlantic Whale Protection .....	0648-AM85
642	Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild .....	0648-AN43
643	Endangered and Threatened Species: Permit Exemptions .....	0648-AO37
644	Captive Steller Sea Lions .....	0648-AO61
645	Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska .....	0648-AP62
646	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Conducting Oil and Gas Exploration Activities in the Gulf of Mexico .....	0648-AQ71
647	Alaska Transient Killer Whales (AT1 Group) Designated as Depleted .....	0648-AR14
648	Zero Mortality Rate Goal .....	0648-AR15
649	Regulations Implementing the Bottlenose Dolphin Take Reduction Plan .....	0648-AR39
650	Implement a Prohibition on Shallow Style Longline Sets .....	0648-AR53
651	Revision of Overflight Regulations .....	0648-AI91
652	Interagency Consultation for the National Marine Sanctuary Program .....	0648-AL06
653	Gray's Reef National Marine Sanctuary .....	0648-AQ41
654	Regulatory Amendment To Correct Effective Dates for Regulatory Changes in 67 FR 79692 (December 30, 2002) .....	0648-AR13
655	Amendment 16-2 to the Pacific Coast Groundfish Fishery Management Plan .....	0648-AR35

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 Identification Number
656	Proposed Highly Migratory Species Process .....	0648-AK40
657	Enhanced Measures To Mitigate Seabird Bycatch in the Alaska Longline Fisheries (Hook-and-Line) .....	0648-AM30
658	Implementation of Western Pacific Coral Reef Ecosystem Fishery Management Plan (FMP) .....	0648-AM97
659	Fishery Management Plan (FMP) for Sargassum Habitat of the South Atlantic .....	0648-AN87
660	Atlantic Highly Migratory Species; Exempted Fishing Permits Procedures .....	0648-AO79
661	Fishing Capacity Reduction Program for the Crab Species Covered by the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs .....	0648-AP25
662	Amendment to Regulations for Observer At-Sea Electronic Communication Equipment Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries .....	0648-AP66
663	IFQ Recordkeeping and Reporting Requirements for Catcher Vessels; BSAI Amendment 72 and GOA Amendment 64 .....	0648-AP92
664	Atlantic Highly Migratory Species (HMS); 2003 Bluefin Tuna Quota Specifications and Effort Controls .....	0648-AQ38
665	Rulemaking To Correct the Salmon Fishery Coordinates as Implemented in the Amendment 3 to the Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska .....	0648-AQ48
666	Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Vessel Monitoring System .....	0648-AQ58
667	Continuation of Measures To Reduce Fishing Mortality in the Northeast Multispecies Fishery and Implement a DAS Leasing Program .....	0648-AQ72
668	Changes to Eligibility Criteria for Bering Sea and Aleutian Islands Crab License Limitation Program .....	0648-AQ73
669	Atlantic Highly Migratory Species; Atlantic Swordfish Quotas .....	0648-AQ90
670	Atlantic Highly Migratory Species (HMS); Atlantic Shark Management Measures .....	0648-AQ95
671	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel .....	0648-AQ96
672	Amendment 77 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area .....	0648-AR31
673	Modification of Housing Requirements for Observers .....	0648-AR32
674	Amendment 16-1 to the Pacific Coast Groundfish Fishery Management Plan .....	0648-AR36
675	Emergency Rule To Close the Federal Tilefish Fishery .....	0648-AR40
676	Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan; Framework Adjustment 3 .....	0648-AR43
677	Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Program in the North Pacific Groundfish Fisheries; Correction .....	0648-AR46
678	Atlantic Large Whale 2002 Seasonal Area Management (SAM) Program .....	0648-AP68
679	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
680	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives .....	0648-AO16
681	Listing Endangered and Threatened Wildlife and Designating Critical Habitat; 12-Month Finding .....	0648-AP94
682	Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations .....	0648-AQ13
683	Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank .....	0648-AQ51
684	Joint Counterpart Regulations With FS, BLM, BIA, FWS, NPS, and NOAA Fisheries Under Section 7 of the ESA ..	0648-AR05
685	Coastal Zone Management Act Federal Consistency Regulations .....	0648-AR16

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

Sequence Number	Title	Regulation Identification Number
686	Annual Specifications for Fishing Year 2005 for the Summer Flounder, Scup, and Black Sea Bass Fishery .....	0648-AR51
687	Annual Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery for Fishing Year 2005 .....	0648-AR56
688	Annual Specifications for the Atlantic Bluefish Fishery for Fishing Year 2005 .....	0648-AR57
689	Annual Specifications for the Deep-Sea Red Crab Fishery for Fishing Year 2005 .....	0648-AR59
690	Interagency Policy on the Prescription of Fishways Under Section 18 of the Federal Power Act .....	0648-AO70
691	Policy for Review of Mandatory Conditions Developed by the Departments of the Interior and Commerce in the Context of Hydropower Licensing .....	0648-AO84
692	Designated Critical Habitat: Proposed Critical Habitat for Northern California Steelhead .....	0648-AO04
693	Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries .....	0648-AO36
694	Procedural Changes to the Federal Consistency Process .....	0648-AP98
695	Regional Marine Research Program .....	0648-AF20

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## National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
696	Establish Central Registry for Limited Access System Permits .....	0648-AJ77
697	Regulatory Amendment To Allocate Pacific Halibut to the Charter Boat Fleet .....	0648-AK17
698	Regulatory Amendment To Reinstate 6,000-Pound Trip Limit of Halibut in Area Northeast of the Bering Sea .....	0648-AL97
699	Crustaceans, Bottomfish, and Pelagics FMP Amendments Regarding Overfishing Definitions .....	0648-AN79
700	Management Measures for the Northeast Skate Complex .....	0648-AQ10
701	Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Incidental Catch .....	0648-AO75
702	American Lobster Fishery; Revisions to Lobster Trap Limits, Conservation Equivalency in New Hampshire Waters, and Clarification of Lobster Management Boundaries per Addendum 1 .....	0648-AP15
703	Bottomfish and Pelagics Fisheries FMP Amendments Regarding Bycatch Provisions .....	0648-AP54
704	Bottomfish, Crustaceans, Pelagics, and Precious Corals Fisheries FMP Amendments Regarding Fishing Communities .....	0648-AP55
705	Antarctic Marine Living Resources Vessel Monitoring System and Catch Documentation Scheme .....	0648-AP74
706	Extension of an Emergency Interim Rule To Implement 2002 Steller Sea Lion Protection Measures and Harvest Specifications for the Bering Sea/Aleutian Islands Area and the Gulf of Alaska .....	0648-AQ02
707	Subsistence Fishery for Pacific Halibut in Waters Off Alaska .....	0648-AQ09
708	Capital Construction Fund Procedures .....	0648-AQ16
709	2003–2004 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California .....	0648-AQ17
710	Secretarial Amendment 2 to Reef Fish Fishery Management Plan To Set Greater Amberjack Sustainable Fisheries Act Targets and Thresholds and To Set Rebuilding Plan .....	0648-AQ24
711	Annual Specifications for the Atlantic Bluefish Fishery for Fishing Year 2003 .....	0648-AQ26
712	Framework 2 to the Monkfish Fishery Management Plan .....	0648-AQ29
713	Recreational Specifications for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2003 .....	0648-AQ32
714	Specifications for the 2003–2004 Fishing Year for the Spiny Dogfish Fishery .....	0648-AQ34
715	Framework 37 to the Northeast Multispecies Fishery Management Plan .....	0648-AQ35
716	Atlantic Highly Migratory Species (HMS); Large and Small Coastal Shark Commercial Management Measures .....	0648-AQ39
717	EFH Amendments to the Bottomfish, Crustaceans, and Precious Corals FMPs .....	0648-AQ43
718	Increase in Allowable Percentage of Pollock Roe .....	0648-AQ44
719	Opening Waters to Pacific Cod Pot Fishing Off Cape Barnabas and Caton Island in the Gulf of Alaska .....	0648-AQ45
720	Framework 3 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan .....	0648-AQ57
721	Amendment 17 to the Pacific Coast Groundfish Fishery Management Plan .....	0648-AQ68
722	Corrected Amendment for a Charter Vessel/Headboat Permit Moratorium Amending the Gulf Reef Fish and Coastal Pelagics FMPs .....	0648-AQ70
723	Notice of Technical Revision to Right Whale Nomenclature and Taxonomy Under the U.S. Endangered Species Act .....	0648-AQ74
724	Revise Eligibility Criteria for BSAI Pacific Cod Endorsements to Groundfish Licenses Issued Under the License Limitation Program (LLP) .....	0648-AQ75
725	Framework Adjustment 38 to the Northeast Multispecies Fishery Management Plan (FMP) .....	0648-AQ76
726	Implement BSAI FMP Amendment 75—Delaying Implementation of Improved Retention/Improved Utilization of Flatfish .....	0648-AQ78
727	Control Date for the Small Mesh Multispecies (Silver Hake, Offshore Hake, and Red Hake) Fishery .....	0648-AQ89
728	West Coast Coastal Pelagic Fisheries Sardine Allocation System Change .....	0648-AQ94
729	Commercial Shrimp Fishery of the Gulf of Mexico; Establish a Control Date .....	0648-AR00
730	Notice of a Control Date for Loligo and Illex Squid .....	0648-AR01
731	Correction to Regulatory Amendment To Redefine Vessel Length Overall .....	0648-AR04
732	Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems (VMS) .....	0648-AR29
733	Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements .....	0648-AR34
734	Effectiveness of Collection-of-Information Requirements .....	0648-AR42
735	Implement a 30 Fathom Boundary Line Off Southern California for the Pacific Coast Groundfish Commercial Non-Trawl and Recreational Fisheries .....	0648-AR47
736	Fishing Capacity Reduction Program in the Pacific Coast Groundfish Fishery .....	0648-AQ99
737	Endangered and Threatened Species: Take of Threatened Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) of Coho Salmon .....	0648-AJ91
738	Draft Policy for Evaluation of Conservation Efforts in Making Listing Decisions .....	0648-AL91
739	Restrictions on Pound Net Leaders To Enhance Turtle Protection in Virginia; Threatened and Endangered Sea Turtle Conservation .....	0648-AP81
740	Designating the Eastern North Pacific Southern Resident Stock of Killer Whales as Depleted .....	0648-AQ00
741	Designation of Critical Habitat for Gulf Sturgeon .....	0648-AQ03

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

Sequence Number	Title	Regulation Identification Number
742	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations .....	0648-AQ04
743	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations .....	0648-AQ42
744	Endangered and Threatened Species; Finding for a Petition To Revise Critical Habitat for Northern Right Whales ..	0648-AQ53
745	List of Fisheries for 2003 .....	0648-AQ60
746	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Activities by the U.S. Navy at San Nicolas Island, California .....	0648-AQ61
747	Technical Amendment to the Atlantic Large Whale Take Reduction Plan .....	0648-AR02
748	Natural Resource Damage Assessments Under the Oil Pollution Act of 1990 .....	0648-AM80
749	New Management Plan and Regulations for the Gray's Reef National Marine Sanctuary .....	0648-AR03
750	Florida Keys National Marine Sanctuary: Establishment of Temporary No-Entry Zone in the White Bank Dry Rocks Area .....	0648-AR17
751	Policies and Procedures Regarding Use of the NOAA Space-Based Data Collection Systems .....	0648-AQ55

## Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
752	Rules of Practice Before the Board of Patent Appeals and Interferences .....	0651-AB32
753	Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board .....	0651-AB56
754	Fast Track Examination .....	0651-AB62
755	Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan	0651-AB64
756	Changes in Requirements for Amendment and Correction of Trademark Registrations .....	0651-AB67
757	Revision of United States Patent and Trademark Office Practice for Handling Patent Applications Filed Without the Appropriate Fees .....	0651-AB69
758	Revision of Patent and Trademark Fees for Fiscal Year 2005 .....	0651-AB70

## Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
759	Changes To Implement the 2002 Inter Partes Reexamination and Other Technical Amendments to the Patent Statute .....	0651-AB57
760	Revision of Search and Preliminary Examination Fees for International Applications .....	0651-AB61
761	Changes Related to Assignments of Patents and Trademarks .....	0651-AB63

## Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
762	Processing Fee for Use of Paper Forms for Submission of Applications for Registration and Other Documents .....	0651-AB52
763	Changes To Implement Patent-Related Provisions of the United States Patent and Trademark Fee Modernization Act of 2003 .....	0651-AB54
764	Changes to Representation of Others Before the United States Patent and Trademark Office .....	0651-AB55

DOC

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identification Number
765	Elimination of Continued Prosecution Application Practice as to Utility and Plant .....	0651-AB37
766	Madrid Protocol Implementation Act Rules Change .....	0651-AB45
767	Changes To Promote Quality Enhancement and Pendency .....	0651-AB50
768	Changes To Implement Electronic Maintenance of Official Patent Application Records .....	0651-AB59
769	Revision of Patent and Trademark Fees for Fiscal Year 2004 .....	0651-AB60
770	Reorganization of Correspondence and Other General Provisions in 37 CFR Chapter 1 .....	0651-AB68

Technology Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
771	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements .....	0692-AA14
772	Acquisition and Protection of Foreign Rights in Inventions .....	0692-AA15
773	Amendment to Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements .....	0692-AA18

Department of Commerce (DOC)  
Office of the Secretary (OS)

Completed Actions

**474. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250  
**CFR Citation:** 15 CFR 8; 15 CFR 8b; 15 CFR 8c; 15 CFR 20

**Legal Deadline:** None

**Abstract:** The Department of Commerce proposes to make amendments to its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of The Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of “program or activity” and “program” to title VI and added a definition of “program or activity” to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of

coverage of recipients’ programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRA’s definition of “program or activity” and “program” into the Department’s title VI, section 504, and Age Discrimination Act regulations. The Department’s proposed regulation will be published as part of a joint notice of proposed rulemaking involving up to 24 Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	08/26/03	68 FR 51333
Final Action Effective	09/25/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Lawrence N. Self, Acting Director, Office of Civil Rights, Department of Commerce, Office of the Secretary, HCHB Room 6010, 14th and Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-0625  
Fax: 202 482-5375

**RIN:** 0690-AA30

**475. EMPLOYEE RESPONSIBILITIES AND CONDUCT; REMOVAL OF OBSOLETE REGULATIONS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 301; 5 USC 7301; 5 USC 7353; 26 USC 7214(b); EO 12731; ...

**CFR Citation:** 15 CFR

**Legal Deadline:** None

**Abstract:** The Department of Commerce issues this final rule to remove obsolete sectors of the Commerce and Foreign Trade Regulation concerning the policies and procedures relating to employee responsibilities and conduct.

**Timetable:**

Action	Date	FR Cite
Final Action	05/09/03	68 FR 24878

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Christopher Cox, Attorney Advisor, Ethics Division, Department of Commerce, HCHB Room 5709, 14th Street & Constitution Avenue, NW., Washington, DC 20230  
Phone: 202 482-2442  
Email: wcox@doc.gov

**RIN:** 0690-AA32

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

## Proposed Rule Stage

**476. QUARTERLY SURVEYS OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 22 USC 3101–3108

**CFR Citation:** 15 CFR 801

**Legal Deadline:** None

**Abstract:** This action will amend existing rule 15 CFR 801.9 to require quarterly reporting of trade in services between U.S. and foreign persons for a number of services that up to now have been reported annually. The collection of quarterly information on international services activity is needed to support a Government initiative to provide more timely data on trade in the largest and most volatile services.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	
Final Action	01/00/04	
Final Action Effective	02/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Obie G. Whichard, Acting 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–AA49

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

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

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

**CFR Citation:** 15 CFR 801

**Legal Deadline:** None

**Abstract:** This action will amend existing rule 15 CFR 801.11 to provide for the conduct of the BE–80, Benchmark Survey of Financial

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	
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, Acting Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE–50, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
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**RIN:** 0691–AA51

**478. • BENCHMARK SURVEY OF U.S. DIRECT INVESTMENT ABROAD—2004**

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

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

**CFR Citation:** 15 CFR 806

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	
Final Action	10/00/04	
Final Action Effective	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Obie G. Whichard, Acting Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE–50, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
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**RIN:** 0691–AA52

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

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

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

**CFR Citation:** 15 CFR 801

**Legal Deadline:** None

**Abstract:** The Bureau of Economic Analysis (BEA) amends 15 CFR Part 801 to institute a new survey, BE–45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons, to be conducted by BEA.

The survey is mandatory and will be conducted under the International Investment and Trade in Services Survey Act. Data from the proposed BE–45 survey are needed to monitor trade in insurance services, analyze its impact on the U.S. and foreign economies, compile and improve the U.S. economic accounts, support U.S. commercial policy on insurance services, conduct trade promotion, improve the ability of U.S. businesses to identify and evaluate market opportunities, and for other Government uses.

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

## DOC—BEA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/03	68 FR 55202
NPRM Comment Period End	11/24/03	
Final Action	12/00/03	

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

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

**RIN:** 0691-AA53

**480. • INTERNATIONAL SERVICES SURVEYS: BE-25, QUARTERLY SURVEY OF TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS IN SELECTED SERVICES AND IN INTANGIBLE ASSETS**

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

**Legal Authority:** 22 USC 3101 to 3108**CFR Citation:** 15 CFR 801**Legal Deadline:** None

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

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

The proposed survey will cover some of the selected services presently covered by the BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons. The selected services covered by the BE-25 survey will be removed from the BE-22 survey after the survey for 2003 is conducted. The BE-22 survey will continue to be conducted for those services that were not moved to the BE-25 survey. The proposed survey will also cover construction, engineering, architectural, and surveying services presently covered by the BE-47, Annual Survey of

Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons, and will cover the same transactions in intangible assets presently covered by the BE-93, Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons; both of these annual surveys would be discontinued, following a final data collection for 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/03	68 FR 55204
NPRM Comment Period End	11/24/03	
Final Action	12/00/03	

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

**Agency Contact:** Obie G. Whichard, Acting Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
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**RIN:** 0691-AA54

## Department of Commerce (DOC)

## Final Rule Stage

## Bureau of Economic Analysis (BEA)

**481. ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES**

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

**Abstract:** This action will amend existing rule CFR 806.15 to raise the threshold for reporting on the BE-15, Annual Survey of Foreign Direct Investment in the United States, and

to bring the survey into conformity with the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2002.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/03	68 FR 51942
NPRM Comment Period End	10/28/03	
Final Action	12/00/03	
Final Action Effective	01/00/04	

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

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

**RIN:** 0691-AA48

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

**Long-Term Actions**

**482. • INTERNATIONAL SERVICES SURVEYS: BE-85, QUARTERLY SURVEY OF FINANCIAL SERVICES TRANSACTIONS BETWEEN U.S. FINANCIAL SERVICES PROVIDERS AND UNAFFILIATED FOREIGN PERSONS**

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

**Legal Authority:** 22 USC 3101 to 3108; 15 USC 4908

**CFR Citation:** 15 CFR 801

**Legal Deadline:** None

**Abstract:** This rule would amend 15 CFR part 801 to institute a new survey, BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons, to be conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce. The BE-85 survey is mandatory and will be conducted

under the International Investment and Trade in Services Survey Act and under Section 5408 of the Omnibus Trade and Competitiveness Act of 1988. The first survey conducted under this rule will cover transactions in the first quarter of 2004.

The BE-85 survey will cover the same financial services presently covered by the BE-82, Annual Survey of Financial Service Transaction Between U.S. Financial Service Providers and Unaffiliated Foreign Person. Following a final annual data collection for 2003, the BE-85 survey would replace the BE-82.

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

market opportunities, and for other Government uses.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/03	68 FR 51939
NPRM Comment Period End	10/28/03	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0691-AA50

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

**Completed Actions**

**483. ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS**

**Timetable:**

Action	Date	FR Cite
Duplicate of RIN 0610-AA63	11/26/03	

**Agency Contact:** Benjamin Erulkar, Department of Commerce, Bureau of Economic Analysis,  
 Phone: 202 482-4687  
 Fax: 202 482-5671

Email: berulkar@eda.doc.gov

**RIN:** 0691-AA47

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

**Prerule Stage**

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-228, sec 404

**CFR Citation:** 15 CFR 30

**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Ruth Mangaroo, Regulations, Outreach, & Education Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 3125, FB-3, 4700 Silver Hill Road, Washington, DC 20233  
 Phone: 301 763-2238  
 Fax: 301 457-3765  
 Email: ruth.d.mangaroo@census.gov

**RIN:** 0607-AA38

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

Proposed Rule Stage

**485. • ANNUAL TRADE SURVEY**

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

**Legal Authority:** 13 USC 182; 13 USC 224; 13 USC 225

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Bureau of the Census (Census Bureau) is proposing to expand the 2003 Annual Trade Survey (ATS) to include manufacturers' sales branches and offices (MSBO). The

Census Bureau proposes this expansion at the request of the Bureau of Economic Analysis (BEA). The BEA considers this information vital to its accurate measurement of sales and inventories for wholesale trade. These data are important inputs to BEA's preparation of National Income and Product accounts and its annual input-output tables.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. John Trimble, Chief, Annual Trade and Special Projects Branch, Service Sector Statistics Div., Department of Commerce, Bureau of the Census, 4700 Silver Hill Road, Room 2682 FB-3, Washington, DC 20233  
Phone: 301 763-7223  
Email: john.r.trimble@census.gov

**RIN:** 0607-AA40

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

Final Rule Stage

**486. 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	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Carol Van Horn, Acting Chief, Geography Division, Department of Commerce, Bureau of the Census, Stop 7400, Stop 7400, 4700 Silver Hill Road, Washington, DC 20233  
Phone: 301 457-2131

**RIN:** 0607-AA35

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

Completed Actions

**487. SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS; AMENDMENTS TO AGE SEARCH PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1256; 13 USC 8

**CFR Citation:** 15 CFR 50.1(d); 15 CFR 80.1(c); 15 CFR 80.1(g); 15 CFR 50.5

**Legal Deadline:** None

**Abstract:** Chapter 1, part 50.1(d) should be amended to read as follows: If a search is unsuccessful and additional information for a further search is requested by the Bureau, such information must be received within 90 days of the request or the case will be considered closed. Additional information received after 90 days must be accompanied by a new fee and will be considered a new request. Chapter 1, part 80.1(c): Change the address from

Pittsburg, Kansas 66762 to Jeffersonville, Indiana 47131. Chapter 1, part 80.1(g): The language may be clarified by changing it to read: Census information will not be furnished to another person unless the person to whom the information relates authorizes such release in the space provided on the Form BC-600. Chapter 1, part 50.5: The note following the chart of the fee structure can be eliminated since we have not had a fee increase since February 1993.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/01	66 FR 48013
NPRM Comment Period End	10/17/01	
Final Action	07/18/03	68 FR 42585

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Stanley M. Domzalski, Assistant Chief (Services), National Processing Center, Department of Commerce, Bureau of the Census, 1201 East 10th Street, Jeffersonville, IN 47132  
Phone: 812 218-3579  
Fax: 812 218-3293

**RIN:** 0607-AA24

**488. AUTOMATED EXPORT SYSTEM (AES) MANDATORY FILING FOR ALL ITEMS ON THE COMMERCE CONTROL LIST (CCL) AND THE UNITED STATES MUNITIONS LIST (USML) THAT CURRENTLY REQUIRE A SHIPPER'S EXPORT DECLARATION (SED)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-113, title XII



## DOC—CENSUS

## Completed Actions

**CFR Citation:** 15 CFR 30**Legal Deadline:** None

**Abstract:** The Bureau of the Census is amending the Foreign Trade Statistics Regulations to specify the Requirement for the Mandatory Automated Export System (AES) filing for all items on the Department of Commerce's Commerce Control List (CCL) and the United States Munitions List (USML) of the Department of State. The AES is an electronic method by which export information can be transmitted. This amendment will specify the provisions and the responsibilities of parties exporting commodities identified on the CCL and USML via AES.

**Timetable:**

Action	Date	FR Cite
NPRM	10/09/02	67 FR 62911
NPRM Comment Period End	12/09/02	
Final Action	07/17/03	68 FR 42534

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Ruth Mangaroo, Regulations, Outreach, & Education Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 3125, FB-3, 4700 Silver Hill Road, Washington, DC 20233  
 Phone: 301 763-2238  
 Fax: 301 457-3765  
 Email: ruth.d.mangaroo@census.gov  
**RIN:** 0607-AA34

**489. MANDATORY AUTOMATED EXPORT SYSTEM (AES) FOR EXPORTS (RE-EXPORTS) OF ROUGH DIAMONDS**

**Priority:** Other Significant

**Legal Authority:** PL 108-19; EO 13312

**CFR Citation:** 15 CFR 30

**Legal Deadline:** None

**Abstract:** The Bureau of the Census is amending the Foreign Trade Statistics Regulations to incorporate requirements for the mandatory electronic filing via the Automated Export System (AES) of exports (re-exports) of specific classifications of rough diamonds in accordance with the Kimberley Process. The Kimberley Process is a certification

scheme designed to control worldwide trade in illicit rough diamonds. Filing information on exports (re-exports) of rough diamonds through the AES is designed to control movement of and stem trading in illicit trade of rough or "conflict" diamonds, often linked to the finance of armed conflicts in certain world areas.

**Timetable:**

Action	Date	FR Cite
Final Action	10/20/03	68 FR 59877

**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, FB-3, 4700 Silver Hill Road, Washington, DC 20233  
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**RIN:** 0607-AA39

## Department of Commerce (DOC)

## Prerule Stage

## Economic Development Administration (EDA)

**490. • ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS**

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

**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
ANPRM	11/00/03	
Interim Final Rule	01/00/04	
Final Action	04/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**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)**  
**General Administration (ADMIN)**
**Completed Actions**
**491. PUBLIC INFORMATION,  
FREEDOM OF INFORMATION AND  
PRIVACY**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 5 USC 552 to 553; 44 USC 3101; 44 USC 3717; Reorganization Plan No. 5 of 1950

**CFR Citation:** 15 CFR 4; 15 CFR 4a; 15 CFR 4b

**Legal Deadline:** None

**Abstract:** The Department of Commerce plans to amend the regulations pertaining to the Freedom of Information Act, Privacy Act, and declassification and public availability of national security information. The proposed rule contains new provisions implementing the Electronic Freedom of Information Act Amendment of 1996, reflects the principles established by the President and Attorney General in the FOIA Policy Memoranda of October 4, 1993, incorporates updated cost figures to be used in charging fees, and streamlines and clarifies the present regulations at 15 CFR parts 4, 4a and 4b.

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/00	65 FR 34606
Final Action	12/20/01	66 FR 65631

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** None.

**Agency Contact:** Andy McCready, Attorney Advisor, Department of Commerce, 14th & Pennsylvania Ave., N.W., Washington, DC 20230  
Phone: 202 482-8044

**RIN:** 0605-AA14

**492. GOVERNMENTWIDE  
DEBARMENT AND SUSPENSION  
(NONPROCUREMENT)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; PL 103-355, sec 2455; 31 USC 6101; EO 12549; EO 12689

**CFR Citation:** 15 CFR 26

**Legal Deadline:** None

**Abstract:** Periodically, OMB amends the Governmentwide common rule for suspension and debarment of contractors and assistance participants who threaten the integrity of Federal programs because of criminal misconduct or poor performance. Agencies must issue changes to their individual codified versions to conform to the common rule. Recently, the

Interagency Suspension and Debarment Coordinating Committee prepared recommendations for comprehensive changes to the common rule to conform to changes made in the Federal Acquisition Regulation (FAR) as a result of the Federal Acquisition Streamlining Act. In addition, several other proposals to improve or change the rule are included.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/23/02	
Final Action	11/26/03	68 FR 66533

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**Agency Contact:** Robert Kugelman, Director, Office of Executive Budgeting and Assistance Management, Department of Commerce, HCHB Room 6022, 14th & Constitution Avenue, NW., Washington, DC 20230  
Phone: 202 482-4115  
Fax: 202 482-3270

**RIN:** 0605-AA16

**Department of Commerce (DOC)**  
**International Trade Administration (ITA)**
**Proposed Rule Stage**
**493. COMMERCIAL AVAILABILITY OF  
FABRIC AND YARN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-200, sec 112(b)(5)(B); PL 106-200, sec 211; EO 13191; PL 107-210, sec 3103

**CFR Citation:** 15 CFR 345

**Legal Deadline:** None

**Abstract:** The proposed rule implements certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or AGOA) and title II of the Act (the United States-Caribbean Basin Trade Partnership Act or CBTPA) and title XXXI of the Trade Act of 2002 (the Andean Trade Promotion and Drug Eradication Act, or ATPDEA) provide for quota and duty-free treatment for qualifying apparel products from

designated beneficiary countries. AGOA and CBTPA authorize quota and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more designated beneficiary countries from yarn or fabric that is not formed in the United States or a beneficiary country, provided it has been determined that such yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner. The President has delegated to the Committee for the Implementation of Textile Agreements (the Committee), which is chaired by Commerce, the authority to determine whether yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA, the ATPDEA, and the CBTPA, and has authorized the Committee to extend quota and duty-free treatment to

apparel of such yarn or fabric. The proposed rule provides the procedure for interested parties to submit a request alleging that a yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner, the procedure for public comments, and relevant factors that will be considered in the Committee's determination. The proposed rule also outlines the factors to be considered by the Committee in extending quota- and duty-free treatment.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis  
Required:** Yes

**Government Levels Affected:** None

## DOC—ITA

## Proposed Rule Stage

**Agency Contact:** Janet Heinzen,  
International Trade Specialist,  
Department of Commerce, International

Trade Administration, 3106, Office of  
Textiles and Apparel, Washington, DC  
20230

Phone: 202 482-4006

**RIN:** 0625-AA59

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

## Final Rule Stage

**494. PROCEDURES FOR  
CONDUCTING FIVE-YEAR (SUNSET)  
REVIEWS OF ANTIDUMPING AND  
COUNTERVAILING DUTY ORDERS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 19 CFR 351

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Stacy Ettinger,  
Attorney, Department of Commerce,  
International Trade Administration,

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Phone: 202 482-4618

**RIN:** 0625-AA51

**495. 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

**Legal Authority:** PL 106-200, sec  
501-504; Title V of the Trade and  
Development Act of 2000; Presidential  
Proclamation No. 7383 (December 1,  
2000)

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

**Legal Deadline:** None

**Abstract:** On January 22, 2001, the Department of Commerce issued interim regulations implementing section 501(e) and section 504(b) of the Trade and Development Act of 2000 (the Act). Section 501(e) requires the President to fairly allocate tariff rate quotas on the import of certain worsted wool fabrics, tariff rate quotas which were established by sections 501(a) and 501(b) of the Act. Section 504(b) authorizes the President to modify the limitations on worsted wool fabric imports under the tariff rate quotas. The President has delegated to the Secretary of Commerce the authority to allocate the quantity of imports under the tariff rate quotas and to determine whether the limitations on the quantity of imports under the tariff rate quotas should be modified. Final regulations will be issued after the period for notice and comment has expired.

**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	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Sergio Botero,  
Industry Economist, Department of  
Commerce, International Trade  
Administration, HCHB Room 3119,  
Office of Textiles and Apparel, 14th  
and Constitution Avenue NW.,  
Washington, DC 20230  
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Fax: 202 482-0667

**RIN:** 0625-AA58

**496. • CHANGES IN THE INSULAR  
POSSESSIONS WATCH, WATCH  
MOVEMENT, AND JEWELRY  
PROGRAM**

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

**Legal Authority:** PL 97-446

**CFR Citation:** 15 CFR 303

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/03	68 FR 45177
Final Action	11/00/03	

**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, FCB

## DOC—ITA

## Final Rule Stage

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Phone: 202 482-3526  
RIN: 0625-AA63

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

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/99	64 FR 39193
Interim Final Rule	12/30/99	64 FR 73744
Second NPRM	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** Federal

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

**RIN:** 0694-AB06

**498. 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	03/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AC20

**499. ● EXPORT ADMINISTRATION REGULATIONS: PENALTY GUIDANCE IN THE SETTLEMENT OF ADMINISTRATIVE ENFORCEMENT CASES**

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

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

**CFR Citation:** 15 CFR 764; 15 CFR 766

**Legal Deadline:** None

**Abstract:** As an essential part of its administration of the export control system, the Bureau of Industry and Security (BIS) brings administrative enforcement actions for violations of the Export Administration Regulations (EAR). Many administrative enforcement cases are resolved through settlements between BIS and the respondent.

## DOC—BIS

## Proposed Rule Stage

The rule proposes to incorporate guidance in the EAR on how BIS determines what penalty is appropriate for the settlement of an administrative enforcement case. This guidance would appear in a new Supplement No. 1 to part 766 of the EAR. The proposed guidance identifies both general factors, such as the destination for the export and degree of willfulness involved in violations, and specific mitigating and aggravating factors which BIS typically takes into account in determining an appropriate penalty. The proposed guidance also describes factors that BIS's Office of Export Enforcement (OEE) typically considers in describing whether a violation should be addressed in a warning letter, rather than in an administrative enforcement case. The guidance would not apply to antiboycott matters arising under part 760 of the EAR.

In part 764, the rule proposes to amend section 764.5(e) to state that Supplement No. 1 to part 766 describes how BIS typically exercises its discretion regarding whether to pursue an administrative enforcement case regarding violations reported in a voluntary self-disclosure under section 764.5, and what administrative sanctions to seek in settling such a case.

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

cases, other than antiboycott matters under part 760.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/03	68 FR 54402
NPRM Comment Period End	11/17/03	
Final Action	02/00/04	

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

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

## Final Rule Stage

**500. EXPORTS AND REEXPORTS TO SUDAN****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 700 to 799**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	04/00/04	

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

**Agency Contact:** William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th and Pennsylvania Avenue, NW., Washington, DC 20230  
Phone: 202 482-2440  
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**RIN:** 0694-AC05**501. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS (EAR)****Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/03	

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

**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Room 2096, Washington, DC 20230  
Phone: 202 482-2440  
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**RIN:** 0694-AC24**502. 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
Final Action	04/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Matthew Blaskovich, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, MS 2705, 14th & Pennsylvania Ave., N.W., Washington, DC 20230

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**RIN:** 0694-AC48

### 503. ELIMINATION OF "NATIONAL SECURITY" AS A REASON FOR CONTROL FOR CERTAIN ITEMS ON THE COMMERCE CONTROL LIST

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 50 USC 1701; 18 USC 2510; EO 13222; EO 12058; ...

**CFR Citation:** 15 CFR 742; 15 CFR 774

**Legal Deadline:** None

**Abstract:** This rule amends the Commerce Control List (CCL) to eliminate "National Security" as a reason for control with respect to certain items. This rule is needed to make the CCL conform to Section 5(c)(6)(A) of the Export Administration Act (the Act), which provides that unilateral national security controls expire six months after enactment of the Act or of the control (whichever is later) unless a determination has been made under section 5 of the Act that there is no foreign availability of the items or unless the President is pursuing negotiations to end such availability. All but four of the items affected by this rule are moved to other

(ECCNs) on the CCL. Two of the items that are removed from the CCL (bayonets and technology for the design, production or use of bayonets) are transferred to the United States Munitions List. The other two items (muzzle-loading firearms and technology for the design, production or use of muzzle-loading firearms) are now EAR99.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC54

### 504. PROTECTIVE EQUIPMENT EXPORT LICENSE JURISDICTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 15 CFR 774

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC64

### 505. 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	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal

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**RIN:** 0694-AC68

DOC—BIS

Final Rule Stage

**506. 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	01/00/04	

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

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**RIN:** 0694-AC74**507. REVISIONS OF ENERGETIC MATERIAL EXPORT LICENSING JURISDICTION BASED ON REVIEW OF THE UNITED STATES MUNITIONS LIST****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; 42 USC 2139a; PL 106-387; PL 107-56; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 742; 15 CFR 770; 15 CFR 748**Legal Deadline:** None

**Abstract:** This final rule amends the Export Administration Regulations (EAR) to implement decisions to move export licensing jurisdiction of certain types of energetic materials and other chemicals from the Department of State, Office of Defense Trade Controls (DTC) to the Department of Commerce, Bureau of Industry and Security (BIS) and to move such jurisdiction for other chemicals from BIS to DTC. This rule along with a complementary rule published by the Department of State (67 FR 70839, November 27, 2002) implements decisions reached in an ongoing review of the USML that is part of the Defense Trade Security Initiative. That initiative, announced on May 24, 2000 at a NATO ministerial meeting by the Secretary of State, includes annual review of portions of the USML with the objective of reviewing the entire list every four years.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/00/04	

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

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**RIN:** 0694-AC75**508. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON THE 2002 MISSILE TECHNOLOGY CONTROL REGIME PLENARY AGREEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13222; EO 13026; 18 USC 2510; ...**CFR Citation:** 15 CFR 772; 15 CFR 774**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulation Commerce Control List (CCL) to reflect changes to the Missile Technology Control Regime (MTCR) Annex agreed to at the September 2002 Plenary in Warsaw, Poland. New definitions for range and payload were added to provide clarity in determining whether systems fall under Category I MTCR controls. All other revisions/additions were made to insure that items which are useable in missiles of MTCR concern are appropriately controlled.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/03	

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

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**RIN:** 0694-AC76**509. • EXPORT AND REEXPORT CONTROLS ON IRAQ****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; 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;

## DOC—BIS

## Final Rule Stage

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	03/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

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**RIN:** 0694-AC84

**510. • LIFTING OF UN SANCTIONS AGAINST UNITA**

**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); 10 USC 2510; 22 USC 287c; 22 USC 3201; 22 USC 6004; 30 USC 185(s), 185(u); 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106-387; PL 107-56; EO 13026; EO 13222; 42 USC 2139a; ...

**CFR Citation:** 15 CFR 732; 15 CFR 738; 15 CFR 740; 15 CFR 746

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) by removing from the EAR references to sanctions on Angola administered by the Department of the Treasury's Office of Foreign Assets Control (OFAC). In response to United Nations Security Council (UNSC) resolutions regarding the conflict in Angola, the President, by Executive order, directed the Department of the Treasury to maintain

sanctions on the National Union for the Total Independence of Angola (UNITA). On December 9, 2002, the UNSC terminated the sanctions previously imposed on UNITA. On May 6, 2003, consistent with the UNSC action, the President terminated the relevant Executive orders, effectively ending U.S. sanctions. This rule amends the EAR to remove certain references to the sanctions which had been maintained by OFAC with respect to UNITA.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

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**RIN:** 0694-AC86

**511. • AMENDMENT TO THE EXPORT ADMINISTRATION REGULATIONS: REVISION TO EXPORT CONTROL CLASSIFICATION NUMBER 1C355**

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

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

**CFR Citation:** 15 CFR 774

**Legal Deadline:** None

**Abstract:** This rule amends the "List of Items Controlled" Section of Export Control Classification Number 1C355 (Supp. No. 1 to part 744) to conform with the schedule of precursor chemicals in Supp. No. 1 to part 745.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

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**RIN:** 0694-AC87

**512. • BEST PRACTICES FOR EXPORTERS/RE-EXPORTERS AND TRADE FACILITATION/FREIGHT FORWARDING COMPANIES REGARDING THE TRANSIT, TRANSSHIPMENT, AND REEXPORT OF DUAL-USE ITEMS**

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

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

**CFR Citation:** None

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/03	

**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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## Final Rule Stage

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**RIN:** 0694-AC89

### 513. • CLARIFICATION OF EXPORT CONTROLS ON PARTS FOR MILITARY VEHICLES

**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; 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 the 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	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC91

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

## Long-Term Actions

### 514. ADMINISTRATION OF STATE LOG EXPORTS BAN

**Priority:** Other Significant

**CFR Citation:** 15 CFR 754

**Timetable:**

Action	Date	FR Cite
ANPRM	06/07/95	60 FR 30030
ANPRM Comment Period End	07/07/95	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** State, Local

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**RIN:** 0694-AB25

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AB49

### 516. 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

**Government Levels Affected:** Undetermined

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**RIN:** 0694-AC04

### 517. 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

**Government Levels Affected:** None

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**RIN:** 0694-AC15

### 518. 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

### 515. CLARIFICATION OF LICENSE EXCEPTION GFT (HUMANITARIAN DONATIONS)

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 740

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

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## Long-Term Actions

**Government Levels Affected:** None

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**RIN:** 0694-AC17

**519. 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

**Government Levels Affected:** None

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**RIN:** 0694-AC23

**520. SHORT SUPPLY CONTROLS: CRUDE OIL EXPORTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 750; 15 CFR 754

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC25

**521. CRIME CONTROL ITEMS: REVISIONS TO THE COMMERCE CONTROL LIST**

**Priority:** Other Significant

**CFR Citation:** 15 CFR 730 to 799

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC31

**522. LICENSE EXCEPTION AVS: CUBA, LIBYA, AND SERBIA**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 740

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC33

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 700 to 799

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC34

**524. 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

**Government Levels Affected:** None

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**RIN:** 0694-AC35

**525. ADDITION AND REVISION OF MISSILE PROJECTS IN THE EXPORT ADMINISTRATION REGULATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 740

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC46

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

**Priority:** Substantive, Nonsignificant

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

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 0694-AC47

**527. COMPUTER TECHNOLOGY AND SOFTWARE ELIGIBLE FOR EXPORT OR REEXPORT UNDER LICENSE EXCEPTION TSR**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 774

**Timetable:**

Action	Date	FR Cite
ANPRM	06/10/02	67 FR 39675
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sharron Cook

## DOC—BIS

## Long-Term Actions

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 RIN: 0694-AC63

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 740

**Timetable:**

Action	Date	FR Cite
ANPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 0694-AC69

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 774

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 0694-AC71

### 530. ADDITION OF EAST TIMOR, NETHERLANDS ANTILLES, AND ARUBA TO THE EXPORT ADMINISTRATION REGULATIONS

**Priority:** Substantive, Nonsignificant

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

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 0694-AC77

### 531. IMPOSITION OF FOREIGN POLICY CONTROLS ON SURREPTITIOUS COMMUNICATIONS INTERCEPTING DEVICES

**Priority:** Substantive, Nonsignificant

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

...

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

...

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by imposing export and reexport controls on communications intercepting devices primarily useful for surreptitious interception of wire, oral or electronic communications classified under Export Control Classification Number (ECCN) 5A980. In this rule, BIS also imposes controls on related software and technology by creating ECCNs 5D980 and 5E980, the classifications for software and technology designed or modified for the "development," "production" or "use" of equipment controlled under 5A980. The items controlled under ECCNs 5A980, 5D980 and 5E980 are controlled for crime control (CC) and antiterrorism (AT) reasons.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0694-AC82

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; EO 13206;

...

**CFR Citation:** 15 CFR 740; 15 CFR 743; 15 CFR 774

**Legal Deadline:** None

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

The purpose of this final rule is to make the necessary changes to the Commerce Control List to implement revisions to the Wassenaar List that were agreed upon in the December 2002 meeting and to make necessary revisions to reporting requirements, and License Exception GOV restrictions.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 0694-AC85

## DOC—BIS

## Long-Term Actions

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

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

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

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

**Legal Deadline:** None

**Abstract:** As a result of the admission of Kazakhstan to the Nuclear Suppliers Group (NSG), this rule amends the

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

**Timetable:**

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

Phone: 202 482-2440

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Email: scook@bis.doc.gov

**RIN:** 0694-AC90

## Department of Commerce (DOC)

## Bureau of Industry and Security (BIS)

## Completed Actions

**534. TRANSFER OF DUAL-USE ITEMS FROM U.S. MUNITIONS LIST TO THE COMMERCE CONTROL LIST**

**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 774 Supplement No. 1

**Legal Deadline:** None

**Abstract:** The former COCOM Industrial List (IL) controls so-called dual-use items, which have both civil and military uses. There is not a direct correspondence between the IL and BIS's Commerce Control List (CCL) because some IL items are controlled by the State Department in the U.S. Munitions List. In his November 15, 1990, memorandum of disapproval of H.R. 4653, the President determined that, "By June 1, 1991, the United States will remove from the U.S. Munitions List all items contained on the COCOM dual-use list unless significant U.S. national security interests would be jeopardized." This rule will implement BIS controls through the CCL on those items removed from the U.S. Munitions List as a result of the President's decision.

**Timetable:**

Action	Date	FR Cite
Transfer of Communications Satellites	10/23/92	57 FR 48312

Action	Date	FR Cite
Navigation and Avionics	06/23/93	58 FR 34211
Final Rule—Transfer of Commercial Communication Satellites	09/08/93	58 FR 47322
Transfer of Items From the USMI to the CCL; Imposition of Certain Foreign Policy Controls	10/26/93	58 FR 57549
Satellite Fuel	09/29/97	62 FR 50865
Final Rule	09/29/97	62 FR 50856

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brian Nilsson, Acting Director/STFPC, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-4196

**RIN:** 0694-AA52

**535. CHANGE THE COMMERCE CONTROL LIST TO REVISE CONTROLS ON COMMUNICATION INTERCEPTING DEVICES (EXPORT COMMERCE CONTROL NUMBER ECCN 5A980)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 730 to 799

**Legal Deadline:** None

**Abstract:** Validated licenses are required for the export or reexport of all communication interception devices to all destinations (including Canada). The Export Administration Regulations specify that such exports or reexports will only be issued to: (1) a provider of wire or electronic communication service or an officer, agent or employee of or person under contract with such a provider in the normal course of the business of providing that wire or electronic communication service; or (2) officers, agents, or employees of, or person under contract with the United States, one of the 50 States, or a political subdivision thereof, when engaged in the normal course of government activities. Commerce will need to make changes to the Commerce Control List and the Export Administration Regulations to clarify the requirements for issuing export licenses.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brian Nilsson, Acting Director/STFPC, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-4196

**RIN:** 0694-AB41

## DOC—BIS

## Completed Actions

**536. EXPORTS OF TECHNOLOGY AND SOFTWARE; RELEASE OF TECHNOLOGY OR SOURCE CODE TO FOREIGN NATIONALS IN THE UNITED STATES****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 730 to 799**Legal Deadline:** None**Abstract:** This final rule will modify the Department of Commerce's current "deemed export" rule covering foreign nationals working on controlled U.S. high technology or source code in the United States or abroad.**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Room 2096, Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bis.doc.gov**RIN:** 0694-AB59**537. ENTITY LIST REVISION: KHAN RESEARCH LABORATORIES****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 744**Legal Deadline:** None**Abstract:** The Export Administration Regulations (EAR) provide that the Bureau of Industry and Security (BIS) may inform the public, individually or through amendment to the EAR, that a license is required for exports or reexports to certain entities. The EAR contain a list of such entities called the Entity List. This rule revises the entry for Abdul Qader Khan Research Laboratories, located in Kahuta,

Pakistan. Abdul Qader Khan Research Laboratories is also known as Khan Research Laboratories. Because Khan Research Laboratories has changed its name to Institute of Industrial Control Systems (IICS), this rule adds Institute of Industrial Control Systems (IICS) as an a.k.a. under the entity Abdul Qader Khan Research Laboratories. In addition, this rule makes a revision to clarify that when BIS publishes in the Federal Register information regarding entities in the Entity List that it is informing not only exporters but the public.

**Timetable:**

Action	Date	FR Cite
Addition to Entity List	05/16/97	62 FR 26922
Addition to Entity List	06/30/97	62 FR 35334
Addition to Entity List	06/30/97	62 FR 35335
Revision to Entity List	10/01/97	62 FR 51369
Addition to Entity List—Russian Entities	07/29/98	63 FR 40363
Revisions and Additions to Entity List	05/14/01	66 FR 24264
Withdrawn	08/26/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Room 2096, Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bis.doc.gov**RIN:** 0694-AB60**538. INDIA AND PAKISTAN SANCTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 730 to 774**Legal Deadline:** None**Abstract:** On June 18, 1998, the Administration announced additional details of the sanctions imposed on India and Pakistan in response to their recent detonation of nuclear devices. The President had previously determined and reported to Congress, under the authority of section 102 of

the Arms Export Control Act, that the Indian and Pakistani activities had violated the Act and sanctions were required.

Under the provisions of the Arms Export Control Act, the Department of Commerce's Bureau of Industry and Security (BIS) is revising the Export Administration Regulations (EAR) to expand the license requirements and set forth licensing policy for exports and reexports of most items controlled for nuclear nonproliferation and missile technology to India and Pakistan. Under the provisions of the Export Administration Act (EAA), BIS is revising the EAR to expand the license requirements and set forth licensing policy for exports and reexports of high performance computers to India and Pakistan. In addition, Indian and Pakistani government entities involved in nuclear or missile activities will be added to the Entity List. Additional military and private entities located in India and Pakistan will be added to the Entity List in the near future.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule—India and Pakistan Sanctions and Other Measures	11/19/98	63 FR 64322
Interim Final Rule—Correction to India and Pakistan Sanctions and Other Measures	11/27/98	63 FR 65352
Final Rule	03/17/00	65 FR 14444
Final Action	07/26/00	65 FR 45842
Final Action Effective	07/26/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: hhess@bis.doc.gov**RIN:** 0694-AB73

## DOC—BIS

## Completed Actions

**539. EXPORTS AND REEXPORTS OF EXPLOSIVE DETECTION SYSTEMS; EXPANSION OF FOREIGN POLICY CONTROLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 730 to 774**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations by expanding the current scope of control of explosive detection systems controlled by Export Control Classification Number (ECCN) 2A993 to include all types of systems that detect the presence of explosives or explosive residue. This rule also expands the control of these explosive detection systems to Iraq. In addition, this rule establishes a new licensing requirement on the export and reexport of software designed or modified for the development, production, or use of explosive detection systems to Iran, Iraq, Sudan, and Syria for antiterrorism reasons.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/03/03	68 FR 16208

**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: 202 482-5347  
Email: squarter@bis.doc.gov**RIN:** 0694-AB87**540. EXPANSION OF LICENSE EXCEPTION CIV ELIGIBILITY FOR MICROPROCESSORS CONTROLLED BY ECCN 3A001****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 13222; EO 13026

**CFR Citation:** 15 CFR 730 to 774**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export licensing requirements. Consistent with technological changes, this interim rule adjusts the License Exception CIV eligibility level for microprocessors controlled by Export Control Classification Number (ECCN) 3A001.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/08/99	64 FR 36779
Interim Final Rule	11/26/99	64 FR 66372
Interim Final Rule	06/13/00	65 FR 37039

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: hhess@bis.doc.gov**RIN:** 0694-AB90**541. EXPORT OF TECHNOLOGY AND SOFTWARE THROUGH ELECTRONIC TRANSMISSIONS, DOWNLOADS, AND PROGRAMMING ONTO HARDWARE****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 (BIS) is reviewing technology and software export issues as they pertain to electronic transmissions and downloads, as well as programming onto hardware. BIS is considering how export controls on such technology transfers affect U.S. exporters. Specifically, BIS is seeking to gain a better understanding of how these transfers actually take place so that the

Export Administration Regulations may be clarified in a manner that meets the export control objectives of the regulations while increasing the utility of the regulations to the public. BIS is particularly interested in the comments of those who have direct experience in the area of technology and software exports.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Room 2096, Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bis.doc.gov**RIN:** 0694-AB97**542. ANTITERRORISM CONTROLS ON IRAQ****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 700 to 799**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations to impose foreign policy controls on Iraq for antiterrorism reasons.**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th and Pennsylvania Avenue, NW., HCHB Room 2096, Washington, DC 20230  
Phone: 202 482-5347  
Email: squarter@bis.doc.gov**RIN:** 0694-AC06

## DOC—BIS

## Completed Actions

**543. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS RELATED TO THE MISSILE TECHNOLOGY CONTROL REGIME (MTCR)****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; 15 CFR 774; 15 CFR 742**Legal Deadline:** None**Abstract:** Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to amend the Commerce Control List to reflect the reformatted Missile Technology Control Regime (MTCR) Annex of October 14, 1999 (Noordwijk/TEM). This final rule also amends Country Group A:2, MTCR, to add the Czech Republic, Korea (Republic of), Poland, Turkey, and Ukraine.**Timetable:**

Action	Date	FR Cite
Final Action	04/02/03	68 FR 16144

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Room 2096, Washington, DC 20230

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bis.doc.gov

**RIN:** 0694-AC22**544. OFFSETS IN MILITARY EXPORTS****Priority:** Other Significant**Legal Authority:** PL 102-558, title I, sec 124; 106 Stat. 4207; 50 USC app 2099**CFR Citation:** 15 CFR 701**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security (BIS) proposes to amend the National Security Industrial Base Regulations to refine current defense offset reporting requirements. These changes will allow BIS to more accurately address the impact of offsets

on the defense preparedness, industrial competitiveness, employment, and trade of the United States. These changes will also further standardize the data collection framework, thus reducing the burden of reporting requirements on U.S. firms.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brad Botwin, Director, Trade Analysis Division, Department of Commerce, Bureau of Industry and Security, Room 3878, 14th & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482-4060

Fax: 202 482-5650

**RIN:** 0694-AC27**545. ENTITY LIST: ADDITIONS AND REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 730 to 799**Legal Deadline:** None**Abstract:** The Export Administration Regulations (EAR) provide that the Bureau of Industry and Security (BIS) may inform exporters, individually or through amendment to the EAR, that a license is required for exports or reexports to certain entities. The EAR contain a list of such entities called the Entity List. This rule makes additions, modifications and corrections to the Entity List.**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania

Avenue NW., Room 2096, Washington, DC 20230

Phone: 202 482-2440

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**RIN:** 0694-AC28**546. REVISIONS TO ENCRYPTION 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; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222**CFR Citation:** 15 CFR 730 to 799**Legal Deadline:** None**Abstract:** This rule amends the Export Administration Regulations (EAR) and implements the July 17 White House announcement to allow the export and reexport of most encryption items, including U.S. products that use open cryptographic interface (OCI), to European Union (EU) member states, Australia, Czech Republic, Hungary, Japan, New Zealand, Norway, Poland and Switzerland under License Exception ENC.**Timetable:**

Action	Date	FR Cite
Final Action	10/19/00	65 FR 62600

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brian Nilsson, Acting Director/STFPC, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482-4196

**RIN:** 0694-AC32**547. EXPORTS TO AFGHANISTAN (THE TALIBAN) AND LIBERIA: IMPOSITION OF FOREIGN POLICY CONTROLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 730 to 774**Legal Deadline:** None

## DOC—BIS

## Completed Actions

**Abstract:** This rule amends the Export Administration Regulations (EAR) to implement United Nations Security Council (UNSC) Resolutions 1333 of December 19, 2000, and 1343 of March 7, 2001, which mandated embargoes on the sale or supply of arms-related items, including technical assistance and training, to the Taliban and to Liberia, respectively. These steps taken by the Bureau of Industry and Security (BIS) supplement controls implemented by the Department of State on exports of defense articles and services to the Taliban and to Liberia under the International Traffic in Arms Regulations. BIS already requires a license for the export and reexport to Afghanistan and Liberia of most of the items subject to the EAR that fall within the scope of the UNSC-mandated ban on arms-related items (e.g., items controlled for regional stability and crime control reasons).

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/26/03	

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

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

**RIN:** 0694-AC45**548. EXPORTS TO THE FEDERAL REPUBLIC OF YUGOSLAVIA: LIFTING OF SANCTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 1701; 50 USC 2401; EO 13026; EO 13222; EO 12854; ...**CFR Citation:** 15 CFR 732; 15 CFR 738; 15 CFR 746; 15 CFR 758**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) by removing the license requirements imposed on the Federal Republic of Yugoslavia on July 14, 1998. Under the EAR, controls have been maintained on arms and related material to the Federal Republic of Yugoslavia (Serbia and

Montenegro) consistent with the UNSC Resolution 1160. On September 10, 2001, in Resolution 1367, the UNSC terminated the international arms embargo against the Federal Republic of Yugoslavia established by Resolution 1160. This rule implements UNSC Resolution 1367.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/25/02	67 FR 70545
Final Action	06/30/03	68 FR 38591

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

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

**RIN:** 0694-AC57**549. IMPOSITION AND EXPANSION OF CONTROLS ON DESIGNATED PERSONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 1701; 50 USC 2401; 22 USC 3201; EO 13099; EO 13222; ...**CFR Citation:** 15 CFR 744; 15 CFR 772**Legal Deadline:** None

**Abstract:** This final rule amends the Export Administration Regulations (EAR) by imposing a license requirement on the export and reexport of any item subject to the EAR by a U.S. person or non-U.S. person to persons blocked and designated pursuant to Executive Order 13224 of September 23, 2001. In response to grave acts of terrorism and threats of terrorism, Executive Order 13224 blocks the property and interests in property of persons who commit, threaten to commit or support terrorism, and prohibits U.S. persons or applicable non-U.S. persons from engaging in any transactions with such blocked persons. The Department of the Treasury's Office of Foreign Assets Control (OFAC) maintains the list of blocked persons newly designated Specially Designated Global Terrorists (SDGTs) in appendix A to 31 CFR chapter V pursuant to Executive Order

13224 and identified by the bracketed initials [SDGT]. This rule also amends the EAR by expanding reexport controls on Specially Designated Terrorists (SDTs) and foreign controls on Specially Designated Terrorists (SDTs) and Foreign Terrorist Organizations (FTOs). OFAC also maintains the lists of SDTs and FTOs found in appendix A to 31 C.F.R. chapter V and identified by the bracketed initials [SDT] and [FTO], respectively.

**Timetable:**

Action	Date	FR Cite
Final Action	06/06/03	68 FR 34192

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

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

**RIN:** 0694-AC60**550. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS—CHEMICAL AND BIOLOGICAL WEAPONS CONTROLS: AUSTRALIA GROUP (JUNE 2002 PLENARY MEETING)****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401; 50 USC 1701; 8 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 744; 15 CFR 745; 15 CFR 774**Legal Deadline:** None

**Abstract:** This rule implements understandings reached at the June 2002 AG plenary meeting, makes corrections in two Commerce Control List entries that contain AG-controlled items, and updates the list of countries that are States Parties to the Chemical Weapons Convention (CWC).

**Timetable:**

Action	Date	FR Cite
Final Rule	06/10/03	68 FR 34526

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



## DOC—BIS

## Completed Actions

**Government Levels Affected:** None

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

**RIN:** 0694-AC70

**551. • GENERAL ORDER SUSPENDING LICENSE REQUIREMENT FOR EXPORTS AND REEXPORTS IN SUPPORT OF UNITED NATION SECURITY COUNSEL RESOLUTION(S) MANDATING INSPECTIONS IN IRAQ**

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

**Legal Authority:** 50 USC 2401; 50 USC 1701; EO12938; EO 13020; EO 13026; EO 13222

**CFR Citation:** 15 CFR 736

**Legal Deadline:** None

**Abstract:** This rule adds a new General Order No. 4 to Supplement No. 1, part 736. General Order No. 4 authorize exports and reexports of items subject to the EAR to any country for use by or for the International Atomic Energy Agency or the United Nations Monitoring, Verification and Inspection Commission to carry out inspections of Iraq pursuant to United Nations Security Council Resolution 1441 of November 8, 2002, and other resolutions that may be issued with respect to such inspections.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

**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: 202 482-5347  
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**RIN:** 0694-AC73

**552. EXPORT ADMINISTRATION REGULATIONS: ENCRYPTION CLARIFICATIONS AND REVISIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 734; 15 CFR 740; 15 CFR 742; 15 CFR 748; 15 CFR 774

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) to clarify when encryption commodities and software may be given de minimis treatment, when short-range wireless devices incorporating encryption may be given mass market or retail treatment, and to provide guidance on when exporters are required to submit encryption review requests. It also expands the authorizations for which travelers departing the United States may take encryption for their personal use. Finally this rule implements changes to the Wassenaar Arrangement List of dual-use items that eliminate from Export Control Classification Number (ECCN) 5A002 certain types of "Personalized smart cards" and equipment specially designed and limited to controlling access to copyright protected data.

**Timetable:**

Action	Date	FR Cite
Final Action	06/17/03	68 FR 35783
Final Action Effective	06/17/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Room 2096, Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bis.doc.gov  
**RIN:** 0694-AC78

**553. GENERAL ORDER ON EXPORTS TO IRAQ**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; Notice of Aug. 14, 2002, 67 FR 53721 (Aug.16, 2002); EO 12938; EO 13020; EO 13026

**CFR Citation:** 15 CFR 736

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security is amending the EAR by adding new General Order No. 4 to Supplement No. 1, part 736. General Order No. 4 removes license requirements for the export or reexport to Iraq of commodities and software contained in two export control categories on the Commerce Control List. This general order is intended to facilitate humanitarian activities in Iraq by State Department accredited nongovernmental organizations.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

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

**RIN:** 0694-AC79

**554. • GENERAL ORDER REMOVING LICENSE REQUIREMENTS FOR THE EXPORT OR REEXPORT TO IRAQ OF CERTAIN ITEMS SUBJECT TO THE EXPORT ADMINISTRATION REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 736

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security, U.S. Department of Commerce, is issuing General Order No. 4 to remove license requirements for the export or reexport to Iraq of the following items in order to facilitate humanitarian activities in Iraq by State Department accredited non-governmental organizations (NGOs):

Items controlled under Export Control Classification Numbers (ECCNs) 5A002 and 5D002.

Please note that many other items needed for humanitarian activities in

## DOC—BIS

## Completed Actions

Iraq, including food, medicine, clothing, and shelter materials, do not require a Department of Commerce license for export or reexport to Iraq.

The Iraqi Sanctions Regulations (31 CFR part 575), administered by the Department of the Treasury's Office of Foreign Assets Control (OFAC), continue to apply to exports and reexports to Iraq. Any export or reexport made on the basis of this general order must nonetheless be authorized by OFAC. The reexport from Iraq of items listed herein may be subject to license requirements under the EAR.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/12/03	

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

**RIN:** 0694-AC80

**555. • EXPORT CLEARANCE—CONFORMANCE OF EXPORT ADMINISTRATION REGULATIONS WITH FOREIGN TRADE STATISTICS REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 758

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) to add references to the Automated Export System (AES) and to conform the EAR to certain provisions of the Foreign Trade Statistics Regulations (FTSR (15 CFR Part 30)) including provisions related to AES promulgated at 68 FR 42534 on July 17, 2003. It also conforms some terminology in part 758 to that found elsewhere in the EAR and updates references to another government agency to reflect a name change.

**Timetable:**

Action	Date	FR Cite
Final Action	08/21/03	68 FR 50470
Final Action Effective	09/22/03	68 FR 50740

**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-AC81

**556. • ADDITION OF ARUBA, DEMOCRATIC REPUBLIC OF CONGO, REPUBLIC OF CONGO, DEMOCRATIC REPUBLIC OF EAST TIMOR, AND NETHERLANDS ANTILLES TO THE EXPORT ADMINISTRATION REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; 43 USC 1354; ...

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

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by adding a number of countries to the Commerce Country Chart. This rule adds the Democratic Republic of East Timor (East Timor), to reflect East Timor's status as a newly independent and sovereign State; Aruba and Netherlands Antilles, in order to streamline the regulatory process for these dependant nations; and the Democratic Republic of Congo, (Congo, Democratic Republic of), and the Republic of Congo (Congo, Republic of), to reflect their status as successor nations to the former country of Zaire. This final rule makes Aruba, East Timor, Congo, Democratic Republic of, Congo, Republic of, and Netherlands Antilles as separate destinations on the Commerce Country Chart for export licensing purposes.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/11/03	

**Regulatory Flexibility Analysis**

**Required:** 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., N.W., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: mblaskov@bis.doc.gov

**RIN:** 0694-AC83

## Department of Commerce (DOC)

## National Institute of Standards &amp; Technology (NIST)

## Proposed Rule Stage

**557. 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), requests comments on proposed regulations pertaining to the implementation of the National Construction Safety Team Act (Act). The proposed 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
NPRM	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

## DOC—NIST

## Proposed Rule Stage

**Government Levels Affected:** None  
**Agency Contact:** Dr. James E. Hill,  
 Deputy Director, Department of  
 Commerce, National Institute of

Standards & Technology, Mail Stop  
 8600, Building and Fire Research  
 Laboratory, Gaithersburg, MD  
 20899-8600

Phone: 301 975-5900

**RIN:** 0693-AB53

## Department of Commerce (DOC)

## Completed Actions

## National Institute of Standards &amp; Technology (NIST)

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 7301 et seq;  
 5 USC 553

**CFR Citation:** 15 CFR 270

**Legal Deadline:** None

**Abstract:** The Director of the National Institute of Standard and Technology (NIST), Technology Administration, U.S. Department of Commerce, requests comments on an interim final rule pertaining to the implementation of the National Construction Safety Team Act

(Act). This rule with a request for public comments contains general provisions regarding implementation of the Act and establishes procedures for the collection, preservation, and protection of evidence obtained and information created as part of investigations conducted pursuant to the Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/30/03	68 FR 4693
Interim Final Rule Comment Period End	03/03/03	
Final Action	05/07/03	68 FR 24343

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 301 975-5900

**RIN:** 0693-AB52

## Department of Commerce (DOC)

## Prerule Stage

## National Oceanic and Atmospheric Administration (NOAA)

**NATIONAL MARINE FISHERIES SERVICE****559. FLEET CAPACITY CONTROL FOR U.S. TROLL ALBACORE TUNA FISHING IN CANADIAN WATERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 50 CFR 300

**Legal Deadline:** None

**Abstract:** This rule will implement limits on albacore tuna fishing by vessels of the United States in Canadian waters pursuant to the U.S.-Canada Albacore Fishing Treaty. In accordance with recent amendments to that Treaty, the United States is obliged to ensure that U.S. vessels do not fish for more than a set number of days each year 2003-2005. This will require methods to monitor fishing effort and notify U.S. vessel owners/operators of the date on which further U.S. fishing must cease. In turn, U.S. vessel operators/owners will be required to furnish reports of entry to and exit from Canadian waters and to provide points of contact for notices of closures. In addition, the Treaty requires that the

United States exchange fishery data each year. The rule will require maintenance and submission of logbooks of fish catch and fishing effort in Canadian and U.S. waters each year.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/00/04	
ANPRM Comment Period End	03/00/04	
NPRM	05/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

**RIN:** 0648-AQ22

**560. 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
ANPRM	02/00/04	
ANPRM Comment Period End	03/00/04	
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AQ86

## DOC—NOAA

## Prerule Stage

**561. AMENDMENT 2 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would implement a limited access program and make other adjustment to the FMP.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AQ87**562. • WEAKFISH: INCREASE IN INCIDENTAL CATCH PER AMENDMENT 4****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 5101 et seq**CFR Citation:** 50 CFR 697**Legal Deadline:** None**Abstract:** The National Marine Fisheries Service (NOAA Fisheries) has proposed regulations that would modify management restrictions in the Federal weakfish fishery in a manner consistent with the recommendations made by the Atlantic States Marine Fisheries Commission in Amendment 4 of the Commission's Interstate Fisheries Management Plan for the species. In short, the proposed Federal regulatory change would increase the permitted non-directed incidental catch of the species from 150 pounds to 300 pounds per day or trip. Analysis of the best available data suggests that the

proposed increase would not alter current fishing practices or effort, or increase the number of weakfish caught—the 150 pound increase simply converts 150 pounds of weakfish, which would be caught and discarded at sea dead regardless, into 150 pounds of weakfish caught and landed. Accordingly, no significant impact is found and the environmental analysis that would support such a finding is set forth herein

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/03	68 FR 39048
NPRM Comment Period End	07/31/03	
End Review	11/00/03	

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** Federal, State**Agency Contact:** Thomas Meyer, Fisheries Biologist, Office of Intergovernmental/Recreational Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Suite 425, 8484 Georgia Avenue, Silver Spring, MD 20910  
Phone: 301 427-2014**RIN:** 0648-AR11**563. 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 explores 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
ANPRM	11/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2289**RIN:** 0648-AQ69**564. DESIGNATE CRITICAL HABITAT; WITHDRAW PREVIOUS DESIGNATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1533**CFR Citation:** 50 CFR 226; 50 CFR 424**Legal Deadline:** None**Abstract:** This rule: (1) describes an approach for developing these critical habitat designations; (2) announces the NOAA Fisheries intent to conduct a series of public workshops to review a pilot area designation; (3) solicits public comment on the proposed designation approach and information to support the critical habitat designations; and (4) amends the Code of Federal Regulations to withdraw the previous critical habitat designations for 19 of the ESUs which were vacated by court order in April 2002.**Timetable:**

Action	Date	FR Cite
ANPRM	02/00/04	
ANPRM Comment Period End	03/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Local, State, Tribal**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115-0070  
Phone: 206 526-6150  
Fax: 206 526-6426**RIN:** 0648-AQ77

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

## Proposed Rule Stage

**NATIONAL MARINE FISHERIES SERVICE**

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**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-AG87

**566. REGULATORY AMENDMENT TO REQUIRE MANDATORY OBSERVER COVERAGE IN THE AT-SEA PROCESSING SECTOR OF THE WHITING FISHERY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** Federal

**Agency Contact:** Donna Darm, Acting Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, BIN C15700, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115-0070  
Phone: 206 526-6150

**RIN:** 0648-AK26

**567. 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.

**Abstract:** The adjustment will establish eligibility criteria for new entry into the NWHIs Mau Zone limited access system and process for issuance of limited access permits under a community development program.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:**

Undetermined

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

Phone: 808 973-2985

**RIN:** 0648-AK82

**568. REVISE EXEMPTED FISHING REGULATIONS TO SPECIFY COMPENSATORY FISHING UNDER EXEMPTED FISHING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 600

**Legal Deadline:** None

**Abstract:** This action would revise current exempted fishing regulations to specifically authorize the use of an

exempted fishing permit as the method of allowing the compensation of private vessels for their conduct of resource assessment. Specific methodology for vessel compensation would be developed on a fishery-by-fishery basis. The rule would also make other minor changes in the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**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-AK84

**569. AMENDMENT 11 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.

**Abstract:** Amendment 2 would add the exclusive economic zone waters off the U.S. Pacific Island Remote Areas and the Commonwealth of the Northern Mariana Islands as crustaceans management areas.

**Timetable:**

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

**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

## DOC—NOAA

## Proposed Rule Stage

Phone: 808 973-2985

RIN: 0648-AL67

**570. 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.

**Abstract:** The FMP could include the following measures: (1) Definitions of management unit, MSY, OY, and overfishing; (2) requirement for a vessel permit to harvest or possess calico scallops in or from the South Atlantic EEZ; (3) designation of essential fish habitat for calico scallops; (4) prohibition on harvest of calico scallops in the area bounded to the west by 80 degrees W. longitude, to the north by 28 degrees 30 minutes N. latitude, to the south by 27 degrees 30 minutes N. latitude, and to the east by the 100 fathom depth contour; and (5) requirement for use of transponders by calico scallop vessels.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Yes**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

**571. AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO (FMP)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, Final.

**Abstract:** Amendment 10 would extend the FMP requirements for using bycatch

reduction devices in shrimp trawls in the exclusive economic zone from Cape San Blas, Florida, east and south to the boundary line (in South Florida) between the areas of jurisdiction of the Gulf of Mexico and South Atlantic Fishery Management Councils.

**Timetable:**

Action	Date	FR Cite
Notice	08/14/03	68 FR 48592
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

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

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AM23

**572. 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.

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

**Timetable:**

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

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

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and

Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 973-2985

RIN: 0648-AM98

**573. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC FMP****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 640**Legal Deadline:** Final, Statutory, Final.

**Abstract:** Amendment 7 would address issues regarding the impacts of the FMP's tailing permit provisions on State spiny lobster conservation efforts.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	

**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-AN08

**574. AMENDMENT 18 TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, Final.

**Abstract:** Amendment 18 would address the need for improved conservation of grouper stocks in the Gulf of Mexico by addressing effort capacity control, using VMS, addressing the use of reef fish as bait, addressing longline and buoy gear phase-out, establishing closed areas, modifying TAC Framework procedures and grouper allocations, defining

## DOC—NOAA

## Proposed Rule Stage

grouper and amberjack status determination criteria, developing Nassau and goliath grouper rebuilding plans, and incorporating the SEDAR process into the TAC Framework procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**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

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

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 648

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

**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
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**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

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

**Regulatory Plan:** This entry is Seq. No. 32 in part II of this issue of the **Federal Register**.

**RIN:** 0648-AN17

### 577. AMENDMENT 9 TO THE FISHERY MANAGEMENT PLAN AMENDMENT FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 973-2985

**RIN:** 0648-AN76

### 578. 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.

**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	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AN84

### 579. FISHERY MANAGEMENT PLAN FOR THE DOLPHIN AND WAHOO FISHERY OF THE ATLANTIC, CARIBBEAN, AND GULF OF MEXICO (FMP) OF THE ATLANTIC

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 50 CFR 622

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast

## DOC—NOAA

## Proposed Rule Stage

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-AO63

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 622

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**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

**581. AMENDMENT 13A TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

RIN: 0648-AP03

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

**Priority:** Other Significant

**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 U.S.C. et seq., NMFS announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone in response to recommendations from the Atlantic States Marine Fisheries Commission to NMFS in Addenda II and III to

Amendment 3 to the Interstate Fishery Management Plan for American Lobster (ISFMP). This ANPR/NOI proposes to develop regulations relative to Addendum III to the ISFMP, and combine those with Addendum II (ANPR and NOI published May and September of 2001, respectively) into a single environmental impact statement. Addendum II management measures would include minimum gauge size increases in five of the seven Lobster Conservation Management Areas (LCMA), lobster trap gear modifications, a four-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	02/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** State, Local

**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

**583. REGULATORY AMENDMENT TO IMPLEMENT PERMIT STACKING IN THE LIMITED-ENTRY FIXED-GEAR SABLEFISH FISHERY IN 2002 AND BEYOND**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

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

**Abstract:** This regulatory amendment would implement the following Amendment 14 provisions: permit



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## Proposed Rule Stage

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	12/00/03	
NPRM Comment Period End	01/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**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**584. IMPLEMENTATION OF FISHERY MANAGEMENT PLAN FOR HIGHLY MIGRATORY SPECIES FISHERIES OFF THE WEST COAST****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

**Abstract:** This action would implement the Fishery Management Plan (FMP) for Highly Migratory Species Fisheries off the West Coast. The FMP is currently under development by the Pacific Fishery Management Council (Council) under the terms of the Magnuson-Stevens Act and other applicable law. The FMP will both establish a process for implementing regulations as deemed necessary in the future and provide a basis for initial regulation of selected fishery sectors (e.g., drift

gillnet and longline) to ensure conservation of the fish stocks involved and protection of species of special concern such as sea turtles and seabirds. The FMP will include substantial environmental and economic analyses consistent with the requirements of the National Environmental Policy Act, the Regulatory Flexibility Act, and Executive Order 12296 and other laws and orders. Steps for reviewing and implementing approved elements of the FMP are set forth in the Magnuson-Stevens Act and include provisions for publication of proposed and final rules within certain time periods.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	
Final Action Effective	01/00/04	
Final Action	02/00/04	

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

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

**RIN:** 0648-AP42**585. REGULATORY AMENDMENT UNDER THE COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 622**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, Final.

**Abstract:** In accordance with the FMP's framework procedure for regulatory adjustments, this action would establish biomass-based stock status criteria such as maximum-sustainable yield (MSY), optimum yield (OY), and definitions of overfishing and overfished using default control rules as required by the Magnuson-Stevens Fishery Conservation and Management Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

Action	Date	FR Cite
NPRM Comment Period End	12/00/03	

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

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

Phone: 727 570-5305

Fax: 727 570-5583

**RIN:** 0648-AP50**586. 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.

**Abstract:** NMFS proposes regulations to implement those provisions of the Comprehensive Amendment Addressing Sustainable Fishery Act (SFA) definitions and other required provision of the Magnuson-Stevens Act in the FMP of the U.S. Caribbean (Comprehensive SFA Amendment) that would modify and/or add framework procedures to the FMPs for reef fish, corals and reef associated plants and invertebrates, queen conch, and spiny lobster. These FMP framework modifications/additions would allow timely modification/addition of required stock parameters and management measures related to preventing overfishing and rebuilding overfished stocks. The intended effect is to provide a more efficient mechanism for implementation of improved estimates of stock parameters and necessary management measures as better information becomes available.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

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## Proposed Rule Stage

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

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

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AP51

### 587. ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES; AMENDMENT 13

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 40 CFR 648**Legal Deadline:** Final, Statutory, Final.

**Abstract:** Amendment 13 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries would describe gear impacts on essential fish habitat, revise the surf clam overfishing definition, establish multi-year quotas, and add/revise other measures.

**Timetable:**

Action	Date	FR Cite
Notice	08/25/03	68 FR 50998
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**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-AP57

### 588. 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.

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** 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-AP60

### 589. 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 Government 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	03/00/04	
NPRM Comment Period End	04/00/04	

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

**Agency Contact:** Dr. Charles Karnella, Administrator, 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

### 590. REVISE COMMUNITY DEVELOPMENT QUOTA PROGRAM ADMINISTRATION AND ALLOCATION REGULATIONS—BSAI FMP AMENDMENT 71

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

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

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## Proposed Rule Stage

**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

### 591. 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 rule 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	06/00/04	
NPRM Comment Period End	07/00/04	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Fax: 907 586-7249  
**RIN:** 0648-AP73

### 592. AMENDMENT TO FISHERY MANAGEMENT PLAN FOR REEF FISH RESOURCES OF GULF OF MEXICO TO SET 10-YEAR REBUILDING PLAN FOR RED GROUPER

**Priority:** Other Significant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 622  
**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	

#### Regulatory Flexibility Analysis Required: Yes

**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

### 593. 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	06/00/04	
NPRM Comment Period End	07/00/04	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

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

### 594. 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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	
Final Action	02/00/04	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Dr. Charles Karnella, Administrator, 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

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 951 to 961; 16 USC 971 et seq

**CFR Citation:** 50 CFR 300

**Legal Deadline:** None

**Abstract:** This rule will implement a tuna fishery management recommendation of the Inter-American Tropical Tuna Commission (IATTC), of which the United States is a party. The rule will establish procedures by which the United States will limit tuna purse seine fleet capacity consistent with the limits in the IATTC recommendation, which has been approved by the Department of State pursuant to the Tuna Conventions Act. Fleet capacity is necessary to prevent overcapitalization and achieve sustainable tuna fisheries in the eastern Pacific Ocean. Excessive fleet capacity threatens the ability of the IATTC and its member states to take effective action to control overall fishing mortality and maintain healthy stocks that will support economically viable fisheries, including U.S. tuna fisheries in the region.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	01/00/04	
Final Action	02/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**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-AQ21

**596. AMENDMENT 2 TO MONKFISH FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AQ25

**597. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN (FMP) AND AMENDMENT 2 TO THE ATLANTIC SALMON FMP TO ADDRESS ESSENTIAL FISH HABITAT CONSERVATION MEASURES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AQ27

**598. 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 proposed rule is to comply with the 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

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elimination of illegal, unreported, and unregulated fishing operations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

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

**RIN:** 0648-AQ37

**599. 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
Other/Comment Period Extended	03/03/03	68 FR 9967
ANPRM Comment Period End	03/17/03	
NPRM	11/00/03	

**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

**600. 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	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**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

**601. ANNUAL SPECIFICATIONS FOR THE SURF CLAM AND OCEAN QUAHOG FISHERIES FOR 2004**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would implement the annual specifications for the Surf Clam and Ocean Quahog Fisheries for fishing year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

Action	Date	FR Cite
NPRM Comment Period End	12/00/03	

**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-AQ79

**602. ANNUAL SPECIFICATIONS FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES FOR 2004**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would implement the annual specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries for fishing year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**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-AQ80

**603. SPECIFICATIONS FOR THE 2004-2005 FISHING YEAR FOR THE SPINY DOGFISH FISHERY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would implement specifications for the 2003-2004 fishing year for the spiny dogfish fishery.

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

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

**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-AQ81**604. 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	01/00/04	
NPRM Comment	02/00/04	
Period End		

**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-AQ82**605. ANNUAL SPECIFICATIONS FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES FOR 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action would implement the annual specifications for the

Atlantic Mackerel, Squid, and Butterfish Fisheries for fishing year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment	12/00/03	
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-AQ83**606. ANNUAL SPECIFICATIONS FOR THE ATLANTIC HERRING FISHERY FOR 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment	12/00/03	
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-AQ84**607. 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	11/00/03	
NPRM Comment	12/00/03	
Period End		

**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-AQ85**608. "OTHER SPECIES" CDQ RESERVE MANAGEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

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

**Timetable:**

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

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

## DOC—NOAA

## Proposed Rule Stage

**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-AQ88

### 609. ADJUSTMENT OF MANAGEMENT PROGRAM; PELAGIC FISHERIES IN THE WESTERN PACIFIC REGION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This regulatory action would revise certain sea turtle mitigation provisions for participants in the non-longline, hook-and-line, pelagic fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 973-2985

**RIN:** 0648-AQ91

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 973-2985

**RIN:** 0648-AQ92

### 611. EASTERN PACIFIC TUNA CONTROLS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 300

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 973-2985

**RIN:** 0648-AQ93

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**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-AQ97

### 613. • 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.

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
Notice	09/02/03	68 FR 52173
Comment Period End	11/03/03	
NPRM	11/00/03	
Final Action	05/00/04	
Final Action Effective	05/00/04	

**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-AQ98

**614. • 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 redefine the flexibility of AFA-qualified inshore floating processors to relocated between reporting weeks rather than between fishing years for the purpose of processing targeted BSAI pollock.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	02/00/04	

**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

**615. • PORT CODES INTEGRATION IN TABLE 14**

**Priority:** Info./Admin./Other

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**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-AR07

**616. • REGULATORY AMENDMENT TO CHANGE REPORTING AREAS 620 AND 630**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** The boundary between Gulf of Alaska (GOA) reporting areas 620 and 630 near Kodiak Island, Alaska, is 154 W. longitude from the south side of the Alaska Peninsula, southward to

the limits of the EEZ off Alaska. On Kodiak Island, this line of longitude bisects Alitak/Deadman Bay, a large, deep bay on the south end of the island. Frequently, there is a great amount of pollock in this bay, and consequent pollock fishing. When either of the two reporting areas is open to pollock fishing, and the other reporting area is closed, vessels will fish in the bay on the "open" side of the line. The area of the Alitak/Deadman Bay of Kodiak Island would be much more efficiently enforced if the bay were either all open or all closed. Because the mouth of the bay is totally contained within reporting area 620, the pollock found in the bay are arguably associated with the 620 stocks. The Alitak/Deadman Bay of Kodiak Island is one body of water basically enclosed by Kodiak Island but divided superficially into two reporting areas by 154 degrees W. longitude. This division of the bay into two separate reporting areas is impractical for quota management and enforcement purposes. The mouth of the bay is totally contained in reporting area 620 and logically should be included in area 620. This action corrects that error by revising the descriptions of reporting areas 620 and 630 in figure 3 to part 679.

The description of reporting area 620 in figure 3 is revised by adding "except that all waters of the Alitak/Deadman Bay of Kodiak Island are included in this reporting area." The description of reporting area 630 in figure 3 is revised by removing "Excluding Area 649" and adding in its place "Excluding all waters of the Alitak/Deadman Bay of Kodiak Island and Area 649."

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**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-AR08



## DOC—NOAA

## Proposed Rule Stage

**617. • 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	11/00/03	
NPRM Comment Period End	12/00/03	

**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**618. • ATLANTIC HIGHLY MIGRATORY SPECIES; TRADE RESTRICTIVE MEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This rule would implement the trade restrictive measures recommended at the 2002 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The proposed rule would lift the import prohibition on Atlantic bigeye tuna from Honduras and conditionally from St. Vincent and the Grenadines and Belize, depending on decisions at the 2003 ICCAT meeting. Bigeye tuna imports from Sierra Leone and Bolivia would be banned. The import prohibitions on Atlantic bluefin tuna and Atlantic swordfish would be lifted from Honduras and conditionally from Belize, depending on decisions at the 2003 ICCAT meeting. Bluefin tuna

and swordfish imports from Sierra Leone would be banned. The proposed rule would also prohibit imports from vessels on the ICCAT negative list and would require prior notification from NOAA Fisheries before a U.S. documented or registered vessel enters a chartering arrangement with another country.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**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**619. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); BLUEFIN TUNA SEASON AND SIZE LIMIT ADJUSTMENTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1801 et seq; 16 USC 971**CFR Citation:** 50 CFR 635**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

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

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

**RIN:** 0648-AR12**620. • CATCHER VESSEL ELECTRONIC REPORT****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** 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. Recently, electronic capability to record information required in catcher vessel logbooks occurred. Electronic logbooks or reports occurred first as a pilot project and now as a pre-approval project. The operator of a catcher vessel has the option of using an NMFS-approved electronic version of the logbook in place of the paper logbook. The electronic logbooks are not required by NMFS. However, the current regulations are changed to reflect the differences in submitting data by electronic means versus paper logsheet.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**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

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## Proposed Rule Stage

### 621. • ATLANTIC STRIPED BASS FISHERIES IN THE EEZ; MODIFICATION OF FEDERAL REGULATIONS

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**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. These regulations would be developed under section 9 of the Atlantic Striped Bass Conservation Act, Pub. L. 100-589 (16 U.S.C. 1851 note), which requires the Secretary to promulgate regulations on fishing for Atlantic striped bass in the EEZ that the Secretary determines: (1) are consistent with the national standards in Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1851); (2) are compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State; (3) ensure the effectiveness of State regulations on fishing for Atlantic striped bass within the coastal waters of a coastal State; and (4) are sufficient to assure the long-term conservation of Atlantic striped bass populations. In developing the regulations, the Secretary is to consult with the Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State and local government entity.

**CONTROVERSY:** This ANPRM is considered controversial because

NOAA Fisheries expects interest from Congress, environmental groups, portions of the fishing industry, and States. Currently, four Atlantic coast States consider Atlantic striped bass to be a game fish in their State waters and will likely be against commercial fishing in the EEZ.

#### 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
NPRM	01/00/04	

#### Regulatory Flexibility Analysis

**Required:** Yes

**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

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

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

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** On June 13, 2003, the Western Pacific Fishery Management Council (Council) adopted a "control date" of June 13, 2003, as a notice to persons contemplating entering the fisheries for bottomfish species in the U.S. exclusive economic zone around Guam and the neighboring Commonwealth of the Northern Mariana Islands. This action would not impose any restrictions on the public, but is intended solely to notify persons interested in joining these fisheries after June 13 that they might be excluded if restrictions are adopted in the future under the Magnuson-Stevens

Fishery Conservation and Management Act. Although the "control date" is a signal that the Council is likely to consider limiting entry to any or all of these bottomfish fisheries, neither the Council or NMFS have made any decision yet. They might decide to limit new entry to some or all of these fisheries or might decide to take no action at all.

#### Timetable:

Action	Date	FR Cite
ANPRM	08/28/03	68 FR 51763
ANPRM Comment Period End	09/29/03	
NPRM	01/00/04	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 973-2985

**RIN:** 0648-AR37

### 623. • AMENDMENT 13B TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

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

**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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR38

**624. • MAXIMUM RETAINABLE AMOUNT**

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

**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	11/00/03	
NPRM Comment Period End	12/00/03	

**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-AR41

**625. • FRAMEWORK 4 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN (FMP)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** The action proposes to extend the moratorium on entry to the Illex fishery. This extension is needed because the Illex moratorium program is set to expire in July of 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/04	
NPRM Comment Period End	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR44

**626. • ESTABLISH REFERENDUM PROCEDURES AND A VOTE WEIGHTING FORMULA FOR THE GULF OF MEXICO RED SNAPPER INDIVIDUAL FISHING QUOTA (IFQ) PROGRAM**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** Pursuant to the policies established by the Administrative Procedure Act, NOAA Fisheries is submitting a proposed rule, to establish referendum procedures and a vote

weighting formula for the Gulf of Mexico Red Snapper Individual Fishing Quota (IFQ) Program, for public review and comment.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR48

**627. • IMPLEMENT ELECTRONIC DEALER REPORTING AND ADJUSTMENTS TO VESSEL REPORTING REQUIREMENTS**

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

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would implement electronic dealer reporting and adjustments to vessel reporting requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/04	
NPRM Comment Period End	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR49

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## Proposed Rule Stage

**628. • FRAMEWORK 5 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY**

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

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR50

**629. • ANNUAL SPECIFICATIONS FOR THE SURF CLAM AND OCEAN QUAHOG FISHERY FOR FISHING YEAR 2005**

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

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment	12/00/03	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR52

**630. • PACIFIC COAST GROUND FISH FISHERY; ANNOUNCEMENT OF THE 2004 GROUND FISH FISHERY SPECIFICATIONS AND MANAGEMENT MEASURES**

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This rulemaking will implement the 2004 annual specifications and management measures for the Pacific Coast Groundfish Fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment	02/00/04	
Period End		
Final Action	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AR54

**631. • FRAMEWORK 16 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN AND FRAMEWORK ADJUSTMENT 39 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN**

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

**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	03/00/04	
NPRM Comment	04/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

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

**RIN:** 0648-AR55

**632. • ANNUAL SPECIFICATIONS FOR THE DEEP-SEA RED CRAB FISHERY FOR FISHING YEAR 2004**

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

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would implement the annual specifications for the Deep-Sea Red Crab Fishery for fishing year 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment	01/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

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

**RIN:** 0648-AR58

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## Proposed Rule Stage

**633. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC TUNAS, SWORDFISH, AND SHARKS**

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

**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 five-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	07/00/04	
NPRM Comment Period End	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AR60

**634. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); AMENDMENT 2 TO THE ATLANTIC BILLFISH FISHERY MANAGEMENT PLAN**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**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 five-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	07/00/04	
NPRM Comment Period End	08/00/04	

**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

**635. • FRAMEWORK 4 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY**

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

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** Framework 4 proposes to allow, under certain circumstances, the at-sea transfer of scup from one vessel to another. The intent of this proposed action is to minimize discards of scup that may occur when a vessel exceeds its possession limit on a large tow of scup.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**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-AR62

**636. • AMENDMENT 10 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN**

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

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

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

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**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment	01/00/04	
Period End		

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

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

**RIN:** 0648-AR63**637. • REGULATORY AMENDMENT TO PROHIBITED SPECIES CATCH DONATION REGULATIONS TO ALLOW PROCESSING OF HEADS AND GUTS**

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

**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 60 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	11/00/03	
NPRM Comment	12/00/03	
Period End		

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

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

Fax: 907 586-7249

**RIN:** 0648-AR64**638. • AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH FISHERIES OF THE WESTERN PACIFIC REGION**

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

**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

**Abstract:** Amendment 8 would add the exclusive economic zone off the U.S. Pacific Remote Island areas as bottomfish management areas.

**Timetable:**

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

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

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

Phone: 808 973-2985

**RIN:** 0648-AR65**639. • AMENDMENT 21 TO THE REEF FISH FISHERY MANAGEMENT PLAN**

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

**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

**Abstract:** The Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 21 to the subject FMP to the National Marine Fisheries Service (NOAA Fisheries) for Secretarial review. The amendment was approved by the Council by a vote of 10 to 5 (two absentees) at its July 2003 meeting. It proposes to: (1) extend the marine reserves at Madison-Swanson and Steamboat Lumps for an additional six years; (2) allow surface trolling only for coastal migratory pelagics and

highly migratory species (HMS) in the marine reserves during May through October; (3) prohibit all fishing in the marine reserves during November through April; and (4) prohibit the possession of reef fish within the reserves except for vessels transiting the reserves in accordance with the same requirements as implemented for the Tortugas South and North closed fishing areas (Reef Fish Amendment 19). Additionally, the Council will send a letter to the Highly Migratory Species Division of NOAA Fisheries requesting that they implement regulations compatible with the proposals in this amendment for species under their jurisdiction.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis Required:** Yes**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**640. 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

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noncontroversial action that is not significant as it will have only minor effects on a small number of people, most of whom will benefit by the new exceptions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	01/00/04	

**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-AH83

**641. 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 negative action of whale watching.

**Timetable:**

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

**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

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 216

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	01/30/02	67 FR 4379
ANPRM Comment Period End	04/01/02	
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	

**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

**643. ENDANGERED AND THREATENED SPECIES: PERMIT EXEMPTIONS**

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 50 CFR 222

**Legal Deadline:** None

**Abstract:** NMFS is providing exceptions to prohibitions to allow Federal and State employees to perform conservation activities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**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

**644. CAPTIVE STELLER SEA LIONS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 50 CFR 223

**Legal Deadline:** None

**Abstract:** This rule is to provide exception to captive Steller sea lions (those captured before listing) to assist the public display community in commerce involving these animals.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jennifer Lyn Skidmore, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13710, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2289

Fax: 301 713-0376

Email: jennifer.skidmore@noaa.gov

**RIN:** 0648-AO61

**645. 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

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Island, Alaska. As a result of that request, NMFS is proposing regulations that would authorize the incidental taking of a small number of marine mammals. In order to issue such regulations, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals and will not have an unmitigable adverse impact on the availability of marine mammal species or stocks for subsistence uses.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/05/01	66 FR 55909
ANPRM Comment Period End	12/05/01	
NPRM	12/00/03	

**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

#### 646. 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 216.101-108**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	05/00/04	
NPRM Comment Period End	06/00/04	

**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

#### 647. • ALASKA TRANSIENT KILLER WHALES (AT1 GROUP) DESIGNATED AS DEPLETED

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216**Legal Deadline:** NPRM, Statutory, June 16, 2003, NPRM.

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

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

**Agency Contact:** Laurie K. Allen, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20912  
Phone: 301 713-2332

**RIN:** 0648-AR14

#### 648. • ZERO MORTALITY RATE GOAL

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**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	
ANPRM Comment Period End	09/08/03	
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

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

**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

#### 649. • REGULATIONS IMPLEMENTING THE BOTTLENOSE DOLPHIN TAKE REDUCTION PLAN

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229**Legal Deadline:** NPRM, Statutory, September 2003, NPRM.

Final, Statutory, January 2004, Final. 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:** Regulations implementing the Bottlenose Dolphin Take Reduction Plan; measures to reduce incidental mortality and serious injury of Western



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North Atlantic coastal bottlenose dolphins in Atlantic fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** Federal, State

**Agency Contact:** Laurie K. Allen, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20912  
Phone: 301 713-2332

**RIN:** 0648-AR39

### 650. • IMPLEMENT A PROHIBITION ON SHALLOW STYLE LONGLINE SETS

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 223

**Legal Deadline:** None

**Abstract:** This rulemaking would implement a prohibition on shallow style longline sets of the type normally used to target swordfish in the West Coast longline fishery to protect sea turtles.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Laurie K. Allen, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20912  
Phone: 301 713-2332

**RIN:** 0648-AR53

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

#### 651. REVISION OF OVERFLIGHT REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1431 et seq

**CFR Citation:** 15 CFR 922

**Legal Deadline:** None

**Abstract:** These regulations are being revised to clarify that they are for resource protection purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Debra Malek, National Marine Sanctuary Program, Department of Commerce, National Oceanic and Atmospheric Administration, N ORM 6, 1305 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-3125

**RIN:** 0648-AI91

#### 652. INTERAGENCY CONSULTATION FOR THE NATIONAL MARINE SANCTUARY PROGRAM

**Priority:** Other Significant

**Legal Authority:** 16 USC 1434(d)

**CFR Citation:** 15 CFR 922

**Legal Deadline:** None

**Abstract:** This action would implement the Federal agency consultation requirements of the National Marine Sanctuaries Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Room 11536, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-3145

**RIN:** 0648-AL06

#### 653. GRAY'S REEF NATIONAL MARINE SANCTUARY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1434; 16 USC 1439

**CFR Citation:** 15 CFR 922.90 to 922.92

**Legal Deadline:** None

**Abstract:** This action will amend regulations and designation document for the Gray's Reef National Marine Sanctuary to clarify that the sanctuary boundary includes submerged lands; revise regulations on placing structures on the seabed, fishing, anchoring, discharges, and cultural resources; and revise procedure for issuing sanctuary permits.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Reed Bohne, Manager, Gray's Reef National Marine Sanctuary, Department of Commerce, National Oceanic and Atmospheric Administration, 10 Ocean Science Circle, Savannah, GA 31411  
Phone: 912 598-2345  
Fax: 912 598-2367  
Email: reed.bohne@noaa.gov

**RIN:** 0648-AQ41

#### 654. • REGULATORY AMENDMENT TO CORRECT EFFECTIVE DATES FOR REGULATORY CHANGES IN 67 FR 79692 (DECEMBER 30, 2002)

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

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** The EFFECTIVE DATES section of the preamble of 67 FR 79692 (December 30, 2002) inadvertently was written in such a way that all the regulatory revisions expire on December 31, 2007. NMFS' intention was to have all of the regulatory

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revisions made as permanent changes except for section 679.50. Section 679.50 is to be effective through December 31, 2007. This proposed rule corrects the language of the EFFECTIVE DATES section of the preamble.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR13

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

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

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

**CFR Citation:** 50 CFR 660

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

**Abstract:** Amendment 16-2 to the Pacific Coast Groundfish Fishery Management Plan (FMP) would implement overfished species rebuilding plans for canary rockfish, darkblotched rockfish, lingcod, and Pacific ocean perch through a fishery management plan amendment and federal regulations. Amendment 16-2 is intended to ensure that Pacific coast groundfish overfished species rebuilding plans meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act.) in particular National Standard 1 on overfishing and section 304(e), which addresses rebuilding overfished fisheries. Amendment 16-2 is also intended to partially respond to a court order in *Natural Resources Defense Council, Inc. et al., v. Donald Evans, Secretary of*

*Commerce, et al.*, 168 F. Supp. 2d 1149 (N.D. Cal 2001) in which NOAA Fisheries was ordered to implement Pacific Coast groundfish rebuilding plans as FMPs, FMP amendments, or regulations, per the Magnuson-Stevens Act. This action has been analyzed under the National Environmental Policy Act with an Environmental Impact Statement. NMFS has been implementing rebuilding measures for these species for several years and the agency does not consider this action significant

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
NPRM Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

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

**RIN:** 0648-AR35

## Department of Commerce (DOC)

## Final Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

**656. 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 proposes to revise 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	
Final Action	06/00/04	

**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

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

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

**Abstract:** This regulatory amendment would enhance measures designed to mitigate seabird bycatch in the longline fisheries off Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/03	68 FR 6386
NPRM Comment Period End	03/10/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**Government Levels Affected:** None

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

**RIN:** 0648-AM30

### 658. IMPLEMENTATION OF WESTERN PACIFIC CORAL REEF ECOSYSTEM FISHERY MANAGEMENT PLAN (FMP)

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 660

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

**Abstract:** This action would implement the Western Pacific Coral Reef Ecosystem FMP. Possible initial management measures include permit and reporting requirements, framework procedures, gear restrictions, harvest limits/restrictions, marine protected areas, no anchoring zones, etc.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/02	67 FR 59824
Correction	10/22/02	67 FR 64861
NPRM Comment Period End	10/24/02	
Final Action	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 973-2985

**RIN:** 0648-AM97

### 659. FISHERY MANAGEMENT PLAN (FMP) FOR SARGASSUM HABITAT OF THE SOUTH ATLANTIC

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

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

**Abstract:** The regulatory action implementing measures in the FMP would: (1) establish a total prohibition

of all harvest and possession of Sargassum from the South Atlantic exclusive economic zone (EEZ) south of 34 degrees N latitude; (2) allow a limited annual harvest of 5,000 pound landed wet weight of Sargassum from the South Atlantic EEZ 100 miles seaward of the shore between 34 degrees N latitude and the latitude line representing the North Carolina/Virginia border during the months of November through June; (3) require an official observer to be present on each Sargassum harvesting trip; and (4) require that nets used to harvest Sargassum be constructed of four-inch stretch mesh or larger fitted to a frame no larger than 4 feet by 6 feet. Restricting the harvest of Sargassum may result in the one small business entity ceasing business operations. The firm qualifies as a small business entity because its gross revenues do not exceed \$3.0 million annually. The value of the 1997 harvest (the last documented year in which harvest occurred) was estimated to be \$36,000. The average annual value of the harvest from 1976 to 1997 was estimated to be \$61,000. Additionally, there is no indication that harvest has occurred since 1997. Therefore, the SAFMC concluded that the indirect benefits of increased productivity of marine life and non-consumptive, non-use social benefits that would result from reduced harvest levels would greatly outweigh the direct impacts to the one intermittently operating business.

**Timetable:**

Action	Date	FR Cite
Notice	04/17/03	68 FR 18942
Comment Period Extended	05/05/03	68 FR 23686
NPRM	05/30/03	68 FR 32450
NPRM Comment Period End	06/16/03	
Final Action	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

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

Fax: 727 570-5583

**RIN:** 0648-AN87

### 660. ATLANTIC HIGHLY MIGRATORY SPECIES; EXEMPTED FISHING PERMITS PROCEDURES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/02	67 FR 72629
NPRM Comment Period End	01/06/03	
NPRM Comment Period Extended	01/10/03	68 FR 1430
Final Action	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AO79

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

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

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

**CFR Citation:** 50 CFR 600

**Legal Deadline:** Final, Statutory, May 1, 2001, Final.

Other, Statutory, December 31, 2001, Other.

**Abstract:** This action establishes a fishing capacity reduction program in the fishery for the crab species covered by the Fishery Management Plan for the

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/12/02	67 FR 76329
Correction	12/30/02	67 FR 79550
NPRM Comment Period End	01/28/03	
Comment Period Extended	01/29/03	68 FR 4161
NPRM Comment Period Reopened	04/15/03	68 FR 18185
Second NPRM Comment Period End	04/30/03	
Final Action	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

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

**RIN:** 0648-AP25

**662. AMENDMENT TO REGULATIONS FOR OBSERVER AT-SEA ELECTRONIC COMMUNICATION EQUIPMENT REQUIREMENTS FOR VESSELS AND SHORESIDE PROCESSORS IN THE NORTH PACIFIC GROUND FISH FISHERIES**

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 679

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

**Abstract:** This rulemaking would refine requirements for the facilitation of observer data transmission and improve

support for observers. The rulemaking is intended to assure continued collection of high-quality observer data to support the management objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/02	67 FR 48604
NPRM Comment Period End	08/26/02	
Final Rule	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

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

**RIN:** 0648-AP66

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Notice	10/29/02	67 FR 65941
Comment Period End	12/27/02	
NPRM	01/24/03	68 FR 3485
NPRM Comment Period End	02/24/03	
Final Action	07/29/03	68 FR 44473
Correction	08/28/03	68 FR 51711
Correction	11/00/03	

**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-AP92

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/10/03	68 FR 41103
NPRM Comment Period End	08/08/03	
Final Action	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

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

**RIN:** 0648-AQ38

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**665. RULEMAKING TO CORRECT THE SALMON FISHERY COORDINATES AS IMPLEMENTED IN THE AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SALMON FISHERIES IN THE EEZ OFF THE COAST OF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/03	68 FR 43483
NPRM Comment Period End	08/22/03	
Final Action	11/00/03	

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

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

**RIN:** 0648-AQ48**666. PACIFIC COAST GROUND FISH FISHERY; PACIFIC COAST GROUND FISH VESSEL MONITORING SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, NPRM.

**Abstract:** This regulation would require vessels participating in the Pacific Coast groundfish fishery off the coasts of WA, OR, and CA to carry and use vessel monitoring systems (VMS) transmitters. This action is necessary to enhance monitoring of compliance with large-scale depth-based closures that are proposed to be used to prohibit most fishing activities across much of the continental shelf. In addition, this

action is intended to further the conservation goals and objectives of the Pacific Coast Groundfish FMP by allowing fishing to continue in areas and with gear that can harvest healthy stocks with little incidental catch of overfished and low abundance species. This action will also require certain vessels legally fishing within the otherwise closed area to notify NMFS when they will be fishing in the closed areas.

**Timetable:**

Action	Date	FR Cite
Notice	05/22/03	68 FR 27972
NPRM	06/13/03	68 FR 35354
NPRM Comment Period End	07/28/03	
Final Action	11/00/03	

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

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

**RIN:** 0648-AQ58**667. CONTINUATION OF MEASURES TO REDUCE FISHING MORTALITY IN THE NORTHEAST MULTISPECIES FISHERY AND IMPLEMENT A DAS LEASING PROGRAM****Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** NPRM, Judicial, July 27, 2003, NPRM.

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/03	68 FR 20096
Correction	05/09/03	68 FR 24914
Comment Period Extended	05/23/03	68 FR 28188
NPRM Comment Period End	05/27/03	
Correction	06/20/03	68 FR 36970
Final Rule	06/27/03	68 FR 38234
Final Rule	07/14/03	68 FR 41549
Final Action	12/00/03	

**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-AQ72**668. CHANGES TO ELIGIBILITY CRITERIA FOR BERING SEA AND ALEUTIAN ISLANDS CRAB LICENSE LIMITATION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/30/03	68 FR 22667
NPRM Comment Period End	05/14/03	
Final Action	08/05/03	68 FR 46117
Correction	11/00/03	

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

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

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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-AQ73

### 669. 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 proposed 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	12/00/03	

**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-AQ90

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

**Abstract:** This rule would implement management measures to amend some of the shark regulations currently issued under the Fishery Management Plan for Atlantic tunas, swordfish and sharks. Management measures that could change include commercial

fishing quotas, recreational retention limits, minimum sizes, prohibited species, and the process for issuing permits for highly migratory species caught for display purposes. These changes would affect fishermen fishing for highly migratory species in the Atlantic, Gulf of Mexico, and Caribbean Sea.

**Timetable:**

Action	Date	FR Cite
Notice	11/15/02	67 FR 69180
NPRM	08/01/03	68 FR 45196
NPRM Comment Period End	09/30/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

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

**RIN:** 0648-AQ95

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, July 2003, Final.  
 The Coastal Pelagics Fisheries regulations require that the annual specifications for Pacific mackerel will be published in the FR before July 1, the start of the fishing season.

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/29/03	68 FR 44518
NPRM Comment Period End	08/13/03	
Final Action	11/00/03	

**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-AQ96

### 672. • AMENDMENT 77 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

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

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Notice	07/22/03	68 FR 43342
Comment Period End	09/22/03	
NPRM	08/18/03	68 FR 49416

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Action	Date	FR Cite
NPRM Comment Period End	10/02/03	
Final Action	02/00/04	

**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-AR31**673. • MODIFICATION OF HOUSING REQUIREMENTS FOR OBSERVERS**

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

**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/03	68 FR 52378
NPRM Comment Period End	10/03/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** Yes**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-AR32**674. • AMENDMENT 16-1 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN**

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

**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660

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

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

**Timetable:**

Action	Date	FR Cite
Notice	08/18/03	68 FR 49415
NPRM	09/05/03	68 FR 52732
NPRM Comment Period End	10/06/03	
Final Action	12/00/03	

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

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

**RIN:** 0648-AR36**675. • EMERGENCY RULE TO CLOSE THE FEDERAL TILEFISH FISHERY**

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

**Legal Authority:** 16 usc 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/03	

**Regulatory Flexibility Analysis Required:** No

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**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR40

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

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

**RIN:** 0648-AR43

**677. • FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA; REVISIONS TO OBSERVER PROGRAM IN THE NORTH PACIFIC GROUND FISH FISHERIES; CORRECTION**

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

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

**CFR Citation:** 60 CFR 679

**Legal Deadline:** None

**Abstract:** This action amends a December 30, 2002, final rule that implemented changes to regulations governing the American Fisheries Act (AFA). This final rule included revisions to the North Pacific Groundfish Observer Program (Observer Program). The action is necessary to correct an error in replacement text that occurred in the final rule.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/03	

**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-AR46

**678. 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, NPRM. Final, Judicial, December 31, 2001, Final.

**Abstract:** NMFS is preparing regulations to implement a SAM program for the 2002 fishing year, which was identified as a measure under the RPA that resulted from the biological opinions prepared for the Northeast multispecies, monkfish, spiny dogfish, and American lobster fisheries. The 2002 SAM program is

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**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

**679. 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



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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	12/00/03	

**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

**680. 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 Action	11/00/03	

**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

**681. LISTING ENDANGERED AND THREATENED WILDLIFE AND DESIGNATING CRITICAL HABITAT; 12-MONTH FINDING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 223

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, announces the 90-day finding for a petition to reclassify the Northern and Florida Panhandle nesting subpopulations of the loggerhead (*Caretta caretta*) sea turtle from threatened to endangered and designate critical habitat under the Endangered Species Act (ESA). The Services find that the petition to reclassify presents substantial scientific information indicating that the petitioned action may be warranted. The Services find that the petition to designate critical habitat did not provide substantial scientific information to warrant further review. The Services will conduct a status review of the loggerhead turtle to determine whether the petitioned action is warranted. To ensure a comprehensive review, the Services are soliciting information and comments pertaining to this species from any interested party.

**Timetable:**

Action	Date	FR Cite
NPRM	06/04/02	67 FR 38459
NPRM Comment Period End	08/05/02	
Final Action	11/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Therese Conant, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, Silver Spring, MD 20910

Phone: 301 713-1431

Fax: 301 713-0376

RIN: 0648-AP94

**682. TAKING OF THREATENED OR ENDANGERED SPECIES INCIDENTAL TO COMMERCIAL FISHING OPERATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 222; 50 CFR 223

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) proposes to prohibit drift gillnet fishing in U.S. ocean waters off of southern California south of Point Conception (34 degrees 27 minutes N) and west to 120 degrees W longitude from August 15 to August 31, and from January 1 to January 31, during El Nino events.

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/02	67 FR 59243
NPRM Comment Period End	10/21/02	
Interim Final Rule	12/24/02	67 FR 78388
Interim Final Rule Comment Period End	02/07/03	
Comment Period Extended	02/12/03	68 FR 7080
Final Action	11/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Therese Conant, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, Silver Spring, MD 20910

Phone: 301 713-1431

Fax: 301 713-0376

RIN: 0648-AQ13

**683. 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

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**Legal Deadline:** None

**Abstract:** The National Marine Tissue Bank (NMMTB) proposes to make available tissue specimen samples to the scientific community for research that is consistent with the goal of the NMMTB. The intent of this proposed rule is to allow the scientific community the opportunity to comment on the protocol for requests for tissue specimen samples.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/02	67 FR 68553
NPRM Comment Period End	12/12/02	
Final Action	11/00/03	

**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

**684. • JOINT COUNTERPART REGULATIONS WITH FS, BLM, BIA, FWS, NPS, AND NOAA FISHERIES UNDER SECTION 7 OF THE ESA**

**Priority:** Info./Admin./Other

**Legal Authority:** 16 USC 1533

**CFR Citation:** 50 CFR 402

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking will modify the way section 7 consultations are conducted under

the Endangered Species Act. This modification will apply to activities that support the National Fire Plan (NFP) and would eliminate the need to obtain written concurrence when an action agency determines that an action that implements the NFP is not likely to adversely affect a listed species.

**Timetable:**

Action	Date	FR Cite
NPRM	06/05/03	68 FR 33805
NPRM Comment Period End	08/04/03	
Final Action	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Agency Contact:** Phil Williams, Chief, Endangered Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Fax: 301 713-0376

**RIN:** 0648-AR05

**NATIONAL OCEAN SERVICE/OFFICE OF MINERAL ENERGY**

**685. • COASTAL ZONE MANAGEMENT ACT FEDERAL CONSISTENCY REGULATIONS**

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

**Legal Authority:** 16 USC 1451

**CFR Citation:** 15 CFR 930

**Legal Deadline:** None

**Abstract:** The National Oceanic and Atmospheric Administration revises the Federal Consistency regulations under the Coastal Zone Management Act. This rule addresses the CZMA-related recommendations of the Report of the National Energy Policy Development Group (Energy Report) as described in NOAA's July 2, 2002 Advanced Notice of Proposed Rulemaking (67 FR 44407). This rule seeks to make improvements to the Federal Consistency regulations to clarify some sections and to provide greater transparency and predictability to the Federal Consistency regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/11/03	68 FR 34851
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** David W. Kaiser, Federal Consistency Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway, 11th Floor, Silver Spring, MD 20910  
Phone: 301 713-3155  
Fax: 301 713-4367  
Email: david.kaiser@noaa.gov

**RIN:** 0648-AR16

**Department of Commerce (DOC)**

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

**Long-Term Actions**

**NATIONAL MARINE FISHERIES SERVICE**

**686. • ANNUAL SPECIFICATIONS FOR FISHING YEAR 2005 FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY**

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

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

## DOC—NOAA

## Long-Term Actions

Phone: 978 281-9200

RIN: 0648-AR51

**687. • ANNUAL SPECIFICATIONS FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY FOR FISHING YEAR 2005****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**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 & Butterfish Fishery for fishing year 2005.**Timetable:**

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

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

Undetermined

**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

**688. • ANNUAL SPECIFICATIONS FOR THE ATLANTIC BLUEFISH FISHERY FOR FISHING YEAR 2005****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would implement the annual specifications for the Atlantic Bluefish Fishery for fishing year 2005.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment	11/00/04	
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  
Phone: 978 281-9200

RIN: 0648-AR57

**689. • ANNUAL SPECIFICATIONS FOR THE DEEP-SEA RED CRAB FISHERY FOR FISHING YEAR 2005****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would implement the annual specifications for the Deep-Sea Red Crab Fishery for fishing year 2005.**Timetable:**

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

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

Undetermined

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

RIN: 0648-AR59

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

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathryn Conant  
Phone: 301 713-2325  
Fax: 301 713-1043  
Email: kathryn.conant@noaa.gov

RIN: 0648-AO70

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

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.**Agency Contact:** Kathryn Conant

Phone: 301 713-2325

Fax: 301 713-1043

Email: kathryn.conant@noaa.gov

RIN: 0648-AO84

**692. DESIGNATED CRITICAL HABITAT: PROPOSED CRITICAL HABITAT FOR NORTHERN CALIFORNIA STEELHEAD****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 226**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Barry Thom

Phone: 301 713-1401

Email: barry.thom@noaa.gov

RIN: 0648-AO04

## DOC—NOAA

## Long-Term Actions

**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****693. 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-AO36Phone: 301 713-3155  
Fax: 301 713-4367  
Email: david.kaiser@noaa.gov**RIN:** 0648-AP98**694. 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**OFFICE OF THE ADMINISTRATOR****695. REGIONAL MARINE RESEARCH PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** 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)****696. ESTABLISH CENTRAL REGISTRY FOR LIMITED ACCESS SYSTEM PERMITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 600**Legal Deadline:** None**Abstract:** This action will establish a central registry for limited access system permits as required by the Magnuson-Stevens Fishery Conservation and Management Act section 305(h).**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/97	62 FR 24897
ANPRM Comment Period End	08/05/97	
Withdrawn	08/26/03	

**Regulatory Flexibility Analysis Required:** Yes**Government Levels Affected:** None**Agency Contact:** Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2396  
Email: charles.cooper@noaa.gov**RIN:** 0648-AJ77**697. REGULATORY AMENDMENT TO ALLOCATE PACIFIC HALIBUT TO THE CHARTER BOAT FLEET****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773c**CFR Citation:** 50 CFR 300**Legal Deadline:** Final, Statutory, Final.**Abstract:** This action establishes measures to manage the halibut charter boat industry off Alaska.**Timetable:**

Action	Date	FR Cite
NPRM	01/28/02	67 FR 3867
NPRM Comment Period End	02/27/02	
Final Action	08/08/03	68 FR 47264

**Regulatory Flexibility Analysis Required:** Yes**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-AK17**698. REGULATORY AMENDMENT TO REINSTATE 6,000-POUND TRIP LIMIT OF HALIBUT IN AREA NORTHEAST OF THE BERING SEA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** Final, Statutory, Final.**Abstract:** This regulatory amendment would reinstate a 6000-pound halibut trip limit in the halibut management area northeast of the Bering Sea.**Timetable:**

Action	Date	FR Cite
NPRM	10/15/02	67 FR 63600
NPRM Comment Period End	11/14/02	
Final Action	03/03/03	68 FR 9902

**Regulatory Flexibility Analysis Required:** Yes**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-AL97

## DOC—NOAA

## Completed Actions

**699. CRUSTACEANS, BOTTOMFISH, AND PELAGICS FMP AMENDMENTS REGARDING OVERFISHING DEFINITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This action would bring these FMPs into compliance with the Sustainable Fisheries Act regarding previously disapproved overfishing definitions and bycatch provisions and fishing community definitions (0648-AP54, 0648-AP55).**Timetable:**

Action	Date	FR Cite
Notice	04/07/03	68 FR 16754
Comment Period End	06/06/03	
Final Action	08/05/03	68 FR 46112

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** None**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 973-2985

**RIN:** 0648-AN79**700. MANAGEMENT MEASURES FOR THE NORTHEAST SKATE COMPLEX****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** Final, Statutory, Final.**Abstract:** This action would establish a fishery management plan for the seven species of skates found in the Northeast. Management measures would be established to end overfishing on two of the seven species of skate and to provide basic protection for the remaining five species.**Timetable:**

Action	Date	FR Cite
Notice	05/01/03	68 FR 23275
NPRM	06/04/03	68 FR 33432
Comment Period End	06/30/03	
NPRM Comment Period End	07/07/03	
Final Action	08/19/03	68 FR 49693
Final Action Effective	09/18/03	

**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-AO10**701. ATLANTIC HIGHLY MIGRATORY SPECIES FISHERIES; ATLANTIC BLUEFIN TUNA INCIDENTAL CATCH****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 is considering rulemaking on modifications to the target catch requirements for the incidental longline fishery for Atlantic bluefin tuna (BFT). NMFS requests comments on possible changes to Atlantic tuna regulations prior to drafting proposed changes to those regulations.**Timetable:**

Action	Date	FR Cite
ANPRM	11/17/00	65 FR 69492
ANPRM Comment Period End	12/14/00	
Comment Period Extended	01/16/01	
NPRM	12/24/02	67 FR 78404
NPRM Comment Period End	02/07/03	
Final Action	05/30/03	68 FR 32414

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Chris Rogers, Chief for Highly Migratory Species, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13563, Bldg. SSMC3, Stop F/SF1, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2347  
Fax: 301 713-1917**RIN:** 0648-AO75**702. AMERICAN LOBSTER FISHERY; REVISIONS TO LOBSTER TRAP LIMITS, CONSERVATION EQUIVALENCY IN NEW HAMPSHIRE WATERS, AND CLARIFICATION OF LOBSTER MANAGEMENT BOUNDARIES PER ADDENDUM 1****Priority:** Other Significant**Legal Authority:** 16 USC 5101 et seq**CFR Citation:** 50 CFR 697**Legal Deadline:** None**Abstract:** NMFS announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for Federal permit holders associated with Amendment 3 of the Interstate Fishery Management Plan for American Lobster (ISFMP). Addendum I to Amendment 3 of the ISFMP, approved by the Atlantic States Marine Fisheries Commission (ASMFC) on August 3, 1999, provides for the control of fishing effort as determined by historical participation in the American lobster trap fisheries in offshore waters of the Exclusive Economic Zone (EEZ) and areas of the EEZ closer to shore between New York and North Carolina. The addendum also clarifies lobster management area boundaries in Massachusetts waters. In addition, the ISFMP calls for the implementation of conservation equivalent trap limits in New Hampshire waters.**Timetable:**

Action	Date	FR Cite
NPRM	01/03/02	67 FR 282
Comment Period Extended	02/19/02	67 FR 4697
NPRM Comment Period End	02/19/02	
Final Action	03/27/03	68 FR 14902

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** State, Federal**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-AP15

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## Completed Actions

**703. BOTTOMFISH AND PELAGICS FISHERIES FMP AMENDMENTS REGARDING BYCATCH PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This action would bring these FMPs into compliance with the Sustainable Fisheries Act regarding previously disapproved bycatch provisions.**Timetable:**

Action	Date	FR Cite
Notice	04/07/03	68 FR 16754
Comment Period End	06/06/03	
Final Action	08/05/03	68 FR 46112

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 973-2985

**RIN:** 0648-AP54**704. BOTTOMFISH, CRUSTACEANS, PELAGICS, AND PRECIOUS CORALS FISHERIES FMP AMENDMENTS REGARDING FISHING COMMUNITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This action would bring these FMPs into compliance with the Sustainable Fisheries Act regarding previously disapproved categorization of the State of Hawaii as a fishing community.**Timetable:**

Action	Date	FR Cite
Notice	04/07/03	68 FR 16754
Comment Period End	06/06/03	
Final Action	08/05/03	68 FR 46112

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of

Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 973-2985

**RIN:** 0648-AP55**705. ANTARCTIC MARINE LIVING RESOURCES VESSEL MONITORING SYSTEM AND CATCH DOCUMENTATION SCHEME****Priority:** Other Significant**Legal Authority:** 16 USC 2341 et seq**CFR Citation:** 50 CFR 300**Legal Deadline:** None**Abstract:** This rule would lengthen the duration of the permit required to enter a Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Ecosystem Monitoring Program (CEMP) site from one year to five years. The rule would define the CCAMLR fishing season and require the use of an automated satellite-linked vessel monitoring system (VMS) for U.S. vessels harvesting Antarctic marine living resources (AMLR) in the area of the Convention on the Conservation of Antarctic Marine Living Resources (Convention). The rule would also require a non-resident consignee to designate a resident agent; prohibit the importation of *Dissostichus* species declared as harvested in certain high seas areas outside the Convention area; prohibit the import of *Dissostichus* species issued a Specially Validated *Dissostichus* Catch Document (SVD CD); provide guidance on the disposition of AMLR seized by law enforcement personnel; and propose regulations to modify requirements for U.S. receivers and importers of *Dissostichus* species harvested in all waters, including those under the jurisdiction of CCAMLR. This rule is intended to implement U.S. obligations as a member of CCAMLR and to conserve Antarctic and Patagonian toothfish by preventing and discouraging unlawful harvest and trade in these species.**Timetable:**

Action	Date	FR Cite
NPRM	10/22/02	67 FR 64853
NPRM Comment Period End	11/18/02	
Final Action	05/01/03	68 FR 23224

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Dean Swanson, Chief, International Fisheries Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2276  
Email: dean.swanson@noaa.gov**RIN:** 0648-AP74**706. EXTENSION OF AN EMERGENCY INTERIM RULE TO IMPLEMENT 2002 STELLER SEA LION PROTECTION MEASURES AND HARVEST SPECIFICATIONS FOR THE BERING SEA/ALEUTIAN ISLANDS AREA AND THE GULF OF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 3631 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** Other, Statutory, July 8, 2002, Other.**Abstract:** The extension of an emergency interim rule continues to implement Steller sea lion protection measures to avoid the likelihood that the groundfish fisheries off Alaska will jeopardize the continued existence of the western population of Steller sea lions or adversely modify their critical habitat. This action also extends final 2002 harvest specifications and associated management measures for the groundfish fisheries of the Bering Sea and Aleutian Islands management area and the Gulf of Alaska through December 31, 2002.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/16/02	67 FR 34860
Correction	10/18/02	67 FR 64315

**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-AQ02

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## Completed Actions

**707. SUBSISTENCE FISHERY FOR PACIFIC HALIBUT IN WATERS OFF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773–773k**CFR Citation:** 50 CFR 300; 50 CFR 679**Legal Deadline:** None

**Abstract:** NMFS proposes regulations to authorize a subsistence fishery for Pacific halibut in waters off Alaska. These regulations are necessary to allow qualified persons to practice the long-term customary and traditional harvest of Pacific halibut for food in a noncommercial manner. This action is intended to meet the conservation and management requirements of the Northern Pacific Halibut Act of 1982 (Halibut Act) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/02	67 FR 54767
NPRM Comment Period End	09/25/02	
Final Action	04/15/03	68 FR 18145
Correction	05/15/03	68 FR 26230

**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–AQ09**708. CAPITAL CONSTRUCTION FUND PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 1177**CFR Citation:** 50 CFR 259**Legal Deadline:** None

**Abstract:** This action simplifies and clarifies program regulations and eases restrictions on reconstructions to promote fleet safety, reliability, and efficiency.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/26/03	

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

**Agency Contact:** Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713–2396

Email: charles.cooper@noaa.gov

**RIN:** 0648–AQ16**709. 2003–2004 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 2003, Final.

**Abstract:** The annual management measures for the 2003–2004 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	05/06/03	68 FR 23913

**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–AQ17**710. SECRETARIAL AMENDMENT 2 TO REEF FISH FISHERY MANAGEMENT PLAN TO SET GREATER AMBERJACK SUSTAINABLE FISHERIES ACT TARGETS AND THRESHOLDS AND TO SET REBUILDING PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** NPRM, Statutory, December 2002, NPRM.

Final, Statutory, January 2003, Final.

**Abstract:** The greater amberjack resource in the Gulf of Mexico was declared overfished by the National Marine Fisheries Service (NMFS) on February 9, 2001. This determination was based on the 2000 greater amberjack stock assessment conducted by the NMFS Southeast Fisheries Science Center (SEFSC) (Turner et al. 2000) and the December 2000 Report of the Reef Fish Stock Assessment Panel (RFSAP) (GMFMC 2000). The results of several analyses indicated that the stock biomass was below the level needed to sustain harvest at maximum sustainable yield (MSY), with the best estimate indicating that the stock biomass was at less than half the biomass needed to sustain MSY, below the minimum level allowed under the 1998 NMFS National Standard Guidelines.

Currently, the Reef Fish Fishery Management Plan (FMP) requires that overfished stocks be restored to a level of 20 percent transitional spawning potential ratio (SPR) within one and a half generation times. A generation time is the average time it would take a year class in an unfished population to replace itself. However, in order to comply with the requirements of the NMFS National Standard Guidelines (NSG), new biomass based targets and recovery time frame parameters need to be implemented. The greater amberjack resource is not considered by NMFS to be undergoing overfishing at this time due to Council actions taken in 1997 and 1998 as cited in section 3.0 (1998 is the final year of data in the stock assessment). Consequently, actions to further reduce fishing mortality are not needed at this time.

This secretarial amendment proposes no changes to the current fishing regulations for greater amberjack, but does propose to establish new biomass based targets and thresholds as well as

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the establishment of a ten-year rebuilding plan. These measures would be in compliance with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, Sustainable Fisheries Act (SFA), NMFS NSGs, and NMFS technical guidance on implementing National Standard 1 (Restrepo et al. 1998).

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12344
NPRM Comment Period End	05/13/03	
Final Action	07/03/03	68 FR 39898

**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-AQ24

**711. ANNUAL SPECIFICATIONS FOR THE ATLANTIC BLUEFISH FISHERY FOR FISHING YEAR 2003**

**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 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/03	68 FR 533
NPRM Comment Period End	01/21/03	
Final Action	05/12/03	68 FR 25305

**Regulatory Flexibility Analysis**

**Required:** Yes

**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-AQ26

**712. FRAMEWORK 2 TO THE MONKFISH 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 amend the overfishing criteria in the Monkfish Fishery Management Plan and establish measures for fishing year 2003-2004.

**Timetable:**

Action	Date	FR Cite
NPRM	03/07/03	68 FR 11023
NPRM Comment Period End	03/24/03	
Final Action	04/28/03	68 FR 22325
Correction	06/20/03	68 FR 36946

**Regulatory Flexibility Analysis**

**Required:** Yes

**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-AQ29

**713. RECREATIONAL SPECIFICATIONS FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY FOR FISHING YEAR 2003**

**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 2003 fishing year for the summer flounder, scup, and black sea bass fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/03	68 FR 27768
NPRM Comment Period End	06/05/03	
Final Action	07/28/03	68 FR 44232

**Regulatory Flexibility Analysis**

**Required:** Yes

**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-AQ32

**714. SPECIFICATIONS FOR THE 2003-2004 FISHING YEAR FOR THE SPINY DOGFISH FISHERY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would implement specifications for the 2003-2004 fishing year for the spiny dogfish fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/03	68 FR 11346
NPRM Comment Period End	03/25/03	
Final Action	04/18/03	68 FR 19160

**Regulatory Flexibility Analysis**

**Required:** Yes

**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-AQ34

**715. FRAMEWORK 37 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 action would establish year-4 measures for the whiting fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	02/25/03	68 FR 8731
NPRM Comment Period End	03/27/03	
Final Action	06/28/03	68 FR 22333

**Regulatory Flexibility Analysis**

**Required:** Yes



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**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-AQ35

#### 716. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); LARGE AND SMALL COASTAL SHARK COMMERCIAL MANAGEMENT MEASURES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

**Abstract:** The rule would address large and small coastal shark commercial management measures based on new stock assessments.

**Timetable:**

Action	Date	FR Cite
Emergency Rule	12/27/02	67 FR 78990
Final Action	05/29/03	68 FR 31987

**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-AQ39

#### 717. EFH AMENDMENTS TO THE BOTTOMFISH, CRUSTACEANS, AND PRECIOUS CORALS FMPs

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** NPRM, Statutory, February 2003, NPRM, Final, Statutory, May 2003, Final.

**Abstract:** Amendment 8, to the Bottomfish FMP, Amendment 12 to the Crustaceans FMP, and Amendment 6 to the Precious Corals FMP would revise the Essential Fish Habitat portions of the subject FMPs and include the Commonwealth of the Northern Mariana Islands and the Pacific Remote

Island Areas exclusive economic zones under Western Pacific Fishery Management Council developed management plans.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/22/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Charles Karnella, Administrator, 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-AQ43

#### 718. INCREASE IN ALLOWABLE PERCENTAGE OF POLLOCK ROE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 3631 et seq; PL 106-31; PL 105-277

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory amendment would increase from 7 to 9 percent the percentage of pollock roe that may be retained by operators of catcher/processors and motherships processing pollock harvested in the BSAI. This action is necessary because catcher/processors and motherships have been able to increase their pollock roe recovery rate since the passage of the American Fisheries Act through cooperative fishing practices and more precise timing of fishing activity.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/03	68 FR 6865
NPRM Comment Period End	03/13/03	
Final Action	07/09/03	68 FR 40812

**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-AQ44

#### 719. OPENING WATERS TO PACIFIC COD POT FISHING OFF CAPE BARNABAS AND CATON ISLAND IN 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 remove restriction on directed fishing for Pacific cod by federally permitted vessels using pot gear in waters within 3 nautical miles of Cape Barnabas and Caton Island Steller sea lion haulouts in the Gulf of Alaska. This action is necessary to provide consistency between State of Alaska and Federal fishing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	02/18/03	68 FR 7750
NPRM Comment Period End	03/20/03	
Final Action	05/28/03	68 FR 31629

**Regulatory Flexibility Analysis**

**Required:** Yes

**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-AQ45

#### 720. FRAMEWORK 3 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** The action will extend the moratorium on entry to the Illex fishery while the Mid-Atlantic Fishery Management Council addresses the moratorium issue in Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish FMP. This extension is needed because the Illex moratorium program expires in July 1, 2003.

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**Timetable:**

Action	Date	FR Cite
NPRM	03/26/03	68 FR 14571
NPRM Comment Period End	04/10/03	
Final Action	05/29/03	68 FR 31988

**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-AQ57**721. AMENDMENT 17 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, February 2003, NPRM.

**Abstract:** Since 1990, the Pacific Fishery Management Council (Council) has annually developed its recommendations for specifications and management measures in a two-meeting process (usually its September and November meetings) followed by a NMFS final action published in the Federal Register and made available for public comment and correction after the effective date of the action. In 2001, NMFS was challenged on this process in *Natural Resources Defense Council, Inc. v. Evans*, 2001 168 F.Supp. 2d 1149 (N.D. Cal. 2001) and the court ordered NMFS to provide prior public notice and allow public comment on the annual specifications. Amendment 17 would respond to the court's order by revising the FMP's framework for developing specifications and management measures to incorporate NMFS publication of a proposed rule for the specifications and management measures, followed by a public comment period and a final rule. Amendment 17 would also respond to NMFS regulatory streamlining initiatives by implementing a biennial specifications and management measures process for Pacific Coast groundfish. Finally, it allows additional time for Council development of the management measures.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/03	68 FR 35354
NPRM Comment Period End	07/28/03	
Final Action	09/04/03	68 FR 52519

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

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

**RIN:** 0648-AQ68**722. CORRECTED AMENDMENT FOR A CHARTER VESSEL/HEADBOAT PERMIT MORATORIUM AMENDING THE GULF REEF FISH AND COASTAL PELAGICS FMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, June 1, 2003, Final.

**Abstract:** The National Marine Fisheries Service (NOAA Fisheries) promulgated the charter moratorium regulations (FR 67, 43558, June 28, 2002) to implement Amendment 14 to the Fishery Management Plan for the Coastal Migratory Fishery of the Gulf of Mexico and South Atlantic and Amendment 20 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico. However, after reviewing the administrative record, NOAA General Counsel, NOAA Fisheries and the Gulf of Mexico Fishery Management Council (Council) determined that the amendment contained an error that did not correctly reflect the actions approved by the Council. Thus, the regulations implementing the amendment also contained this error, and not all persons entitled to receive charter vessel/headboat (for-hire) permits under the moratorium approved by the Council would be able to receive permits under the promulgated regulations. In order to ensure that no qualified participants in the fishery are wrongfully excluded under the moratorium, due to an error

in the amendment, and to fully comply with Magnuson-Stevens Fishery Conservation and Management Act requirements, NOAA Fisheries is submitting this corrected amendment for Secretarial review to address this error and, as such, to reflect the actions approved by the Council. Specifically, this corrected amendment will eliminate one eligibility criteria in the final rule which states that the charter vessel headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish is limited to an owner of a vessel that had a valid Gulf charter vessel/headboat permit on the effective date of the final rule (July 29, 2002).

**Timetable:**

Action	Date	FR Cite
Notice	03/04/03	68 FR 10180
NPRM	03/12/03	68 FR 11794
NPRM Comment Period End	03/27/03	
Final Action	05/15/03	68 FR 26291
Correction	06/27/03	68 FR 38232

**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-AQ70**723. NOTICE OF TECHNICAL REVISION TO RIGHT WHALE NOMENCLATURE AND TAXONOMY UNDER THE U.S. ENDANGERED SPECIES ACT****Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1531 to 1543; 16 USC 1361 et seq**CFR Citation:** 50 CFR 222; 50 CFR 226**Legal Deadline:** None

**Abstract:** NOAA Fisheries is revising the nomenclature and taxonomy for the northern right whale, *Balaena glacialis*, as it was listed in the List of Endangered and Threatened Wildlife revised October 1, 1999. With this revision, the northern right whale will now be classified as two separate species, the North Atlantic right whale,

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Eubalaena glacialis, and the North Pacific right whale, Eubalaena japonica. This revision is being made to reflect the currently accepted nomenclature for the genus as well as the genetic distinctiveness now recognized between Pacific and Atlantic right whale populations in the northern hemisphere. NOAA Fisheries is also updating the formerly used genus Balaena to the genus Eubalaena to conform to the scientific name currently accepted by the scientific community and supported by the scientific literature.

**Timetable:**

Action	Date	FR Cite
Final Action	04/10/03	68 FR 17560

**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-AQ74

**724. REVISE ELIGIBILITY CRITERIA FOR BSAI PACIFIC COD ENDORSEMENTS TO GROUND FISH LICENSES ISSUED UNDER THE LICENSE LIMITATION PROGRAM (LLP)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory amendment would correct the eligibility criteria for a Pacific cod endorsement for the hook-and-line or pot gear fisheries so that a person may use BSAI Pacific cod harvests to meet the eligibility criteria for the Pacific cod endorsement if the person owned the qualifying fishing history which gave rise to a valid LLP groundfish license at the time he or she harvested Pacific cod to meet the eligibility criteria for a Pacific cod endorsement.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/03	68 FR 20360

Action	Date	FR Cite
NPRM Comment Period End	05/27/03	
Final Action	07/30/03	68 FR 44666

**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-AQ75

**725. FRAMEWORK ADJUSTMENT 38 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN (FMP)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This adjustment would modify existing multispecies regulations to establish a seasonal whiting grate raised footrope trawl fishery in the inshore Gulf of Maine.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/03	68 FR 27774
NPRM Comment Period End	06/05/03	
Final Action	07/09/03	68 FR 40808
Correction	08/08/03	68 FR 47264

**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-AQ76

**726. IMPLEMENT BSAI FMP AMENDMENT 75—DELAYING IMPLEMENTATION OF IMPROVED RETENTION/IMPROVED UTILIZATION OF FLATFISH**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This amendment would delay the effective date of requirements for 100 percent retention and utilization of rock sole and yellowfin sole from January 1, 2003, until June 1, 2004. The North Pacific Fishery Management Council (Council) submitted Amendment 75 to provide the Council and the affected industry with additional time to develop and assess alternatives to address groundfish discards in the groundfish fisheries of the Bering Sea and Aleutian Islands Management Area.

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/03	68 FR 15144
NPRM Comment Period End	05/12/03	
Final Action	09/02/03	68 FR 52142

**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-AQ78

**727. CONTROL DATE FOR THE SMALL MESH MULTISPECIES (SILVER HAKE, OFFSHORE HAKE, AND RED HAKE) FISHERY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would announce that the New England Fishery Management Council intends to develop a new amendment to address limited access in the small mesh multispecies fishery. A new control date would reflect current participation levels, should the Council require such a benchmark when developing a new limited access program. The new control date would enable the Council to inform the industry that the Council is considering future action to control the number of participants in the fishery and that anyone entering the fishery after the control date will not

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be assured of future access, should a management regime that limits the number of participants in the fishery be prepared and implemented.

**Timetable:**

Action	Date	FR Cite
Final Action	03/25/03	68 FR 14388

**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-AQ89

### 728. WEST COAST COASTAL PELAGIC FISHERIES SARDINE ALLOCATION SYSTEM CHANGE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

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

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

**Abstract:** This rule will implement changes in the allocation process and criteria for Pacific sardine under the Fishery Management Plan for Coastal Pelagic Species Fisheries off the West Coast. The annual quota is set for all fishing coast wide, but the allocation system recognizes that there is seasonality in the availability of the fish to different portions of the coast. The current allocation system is being reviewed because some interests believe it unnecessarily restricts the fisheries and prevents achievement of the full allowable harvest of Pacific sardine. However, the current system was intended to ensure that fishing interests with long-standing involvement in the fishery would not be unfairly disadvantaged relative to new entrants into the fishery. The fishery has recently expanded to waters off Oregon and Washington, and these new entrants would like better opportunity to ensure that the full quota will be taken each year. Southern interests are concerned that there is too little known about the relationship between the northern component of the

sardine stock and the southern component. Research is planned to address this point. However, a temporary adjustment in the allocation system may be warranted while this research is being conducted.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/03	68 FR 37995
NPRM Comment Period End	07/28/03	
Final Action	09/04/03	68 FR 52523

**Regulatory Flexibility Analysis Required:** Yes**Government Levels Affected:** Federal

**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-AQ94

### 729. • COMMERCIAL SHRIMP FISHERY OF THE GULF OF MEXICO; ESTABLISH A CONTROL DATE

**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 (GMFMC) voted unanimously to establish a control date effective December 6, 2003, for Federally permitted shrimp vessels fishing in the exclusive economic zone of Gulf of Mexico (Gulf EEZ). The GMFMC anticipates that future action may be necessary to control effort and the number of participants engaged in the commercial shrimp fishery of the Gulf EEZ. Consideration of a control date does not commit the GMFMC or NMFS to any particular management regime for entry into the commercial shrimp fishery. Fishermen are not guaranteed future participation in a fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The GMFMC subsequently may choose a different control date or they may choose a management regime that does not make use of a control date. The GMFMC also may choose to take no further action to control entry or access to the

fisheries, in which case the control date may be rescinded.

**Timetable:**

Action	Date	FR Cite
Final Action	04/29/03	68 FR 22667

**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-AR00

### 730. • NOTICE OF A CONTROL DATE FOR LOLIGO AND ILLEX SQUID

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** Other, Statutory, May 30, 2003, Other.

**Abstract:** NMFS announces that it is considering, and is seeking public comment on proposed rulemaking to control future access to the Illex (*Illex illecebrosus*) and Loligo (*Loligo pealei*) fisheries under the Magnuson-Stevens Fishery Conservation and Management Act. This announcement is intended, in part, to discourage speculative entry and increases in effort or capacity in these fisheries while the Mid-Atlantic Fishery Management Council and NMFS consider alternative allocation schemes and whether and how to control capacity in the Illex and Loligo fisheries.

**Timetable:**

Action	Date	FR Cite
Final Action	05/21/03	68 FR 27774

**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-AR01

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**731. • CORRECTION TO REGULATORY AMENDMENT TO REDEFINE VESSEL LENGTH OVERALL****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This action would correct figure 6 to part 679 published in the final rule of September 12, 2001 (66 FR 47416), which implemented changes to the definition of length overall (LOA) of a vessel. This action corrects errors in the figure.

**Timetable:**

Action	Date	FR Cite
Final Action	04/24/03	68 FR 20083
Correction	05/06/03	68 FR 23925

**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-AR04**732. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS) FISHERIES; VESSEL MONITORING SYSTEMS (VMS)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** On May 28, 1999, the National Marine Fisheries Service (NMFS) issued a regulation (64 FR 29090) codified at 50 CFR 635.69(a), requiring all commercial pelagic longline vessels fishing for Atlantic HMS to install a NMFS-approved VMS unit. Due to litigation, the requirement was stayed indefinitely on October 1, 2000 (66 FR 1907, January 10, 2001). On October 15, 2002, the U.S. District Court for the District of Columbia issued a final order upholding the VMS regulation. This rule would amend the effective date for the requirement to

have a NOAA-approved, VMS unit installed and operating on any vessel leaving port to fish for HMS with pelagic longline gear on board to September 1, 2003.

**Timetable:**

Action	Date	FR Cite
Final Action	08/01/03	68 FR 45169

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** 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-AR29**733. • ENDANGERED AND THREATENED WILDLIFE; SEA TURTLE CONSERVATION REQUIREMENTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1531; 16 USC 1361 et seq**CFR Citation:** 50 CFR 223**Legal Deadline:** None

**Abstract:** NMFS intends to publish a proposed rule amending the regulation requiring certain kinds of turtle excluder devices (TEDs) in shrimp fisheries. Sea turtles, listed pursuant to the Endangered Species Act, drown when caught in shrimp trawl gear. NMFS and fishermen have developed several models of TEDs, which in different fashions exclude sea turtles. On February 21, 2003 (68 FR 8456), NMFS issued a regulation requiring TEDs with larger openings that would allow leatherback and larger loggerhead sea turtles to escape. The rule becomes effective in the Gulf of Mexico on August 21 of this year. One of the provisions is that those who shrimp in offshore waters in the Gulf of Mexico may as of August 21 no longer use the popular Coulon TED. Louisiana fishermen developed this TED and many like it because it retains shrimp but excludes not only sea turtles but also other fish. Because the Gulf shrimp trawlers wanted to continue using the

Coulon TED, the agency tested a modified Coulon TED, based on its regulatory protocols (50 CFR 223.207(e)) for approving the use of new TEDs, and determined that a modified Coulon TED both met the protocol requirements and excluded the larger turtles. Agency scientists describe this modified Coulon TED as the best they have ever seen at excluding smaller turtles. The agency now wishes to amend the newest TED rule to permit shrimp trawlers to use the Coulon TED as one option in offshore waters.

This amendment to the TED rule is not expected to be controversial, as it permits offshore Gulf of Mexico shrimp trawlers to retain a popular option. Further, because the modified Coulon TED permits larger turtles to escape as well as making escape for smaller turtles very easy, environmental groups should also find this amendment acceptable.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/03	68 FR 44722
NPRM Comment Period End	08/14/03	
Final Action	08/27/03	68 FR 51508

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

**Agency Contact:** Laurie K. Allen, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20912  
Phone: 301 713-2332

**RIN:** 0648-AR34**734. • EFFECTIVENESS OF COLLECTION-OF-INFORMATION REQUIREMENTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** A final rule that implemented the measures contained in Amendment 61/61/13/8 was published in the Federal Register on December 30, 2002 (67 FR 79692), and most of the

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measures were effective January 29, 2003. A final rule that implemented the measures contained in Amendment 69 was published in the Federal Register on February 11, 2003 (68 FR 6833), and most of the measures were effective March 13, 2003. However, because OMB approval of the reporting requirements contained in these amendments had not yet been received as of the effective date of each rule, effectiveness of the requirements contained in the amendments was delayed.

**Timetable:**

Action	Date	FR Cite
Final Action	08/25/03	68 FR 51146

**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-AR42

### 735. ● IMPLEMENT A 30 FATHOM BOUNDARY LINE OFF SOUTHERN CALIFORNIA FOR THE PACIFIC COAST GROUND FISH COMMERCIAL NON-TRAWL AND RECREATIONAL FISHERIES

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

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** The emergency rule would move the conservation boundary line affecting the commercial non-trawl fisheries and the recreational fishery from 20 fathoms to 30 fathoms south of 34 degrees 27 minutes north latitude to the U.S./Mexico border. This increases the area in which the fishery can take place and decreases the closed area that was implemented to protect overfished species of groundfish. This management change would cause the optimum yield (the harvest target) for bocaccio rockfish for 2003 of less than 20 metric tons to be exceeded by approximately 2 metric tons. This

action was recommended by the State of California and the Pacific Fishery Management Council (Council). The Council and NMFS concluded that this change was appropriate based on a new stock assessment released in May 2003 by NMFS Southwest Fisheries Science Center that shows increased biomass and productivity for the southern stock of bocaccio. (Based on the new stock assessment and rebuilding analysis, the Council adopted a preliminary range of optimum yields for bocaccio for 2004 of 199 to 526 metric tons, significantly higher than the less than 20 metric tons optimum yields adopted in 2003.) The change in the closed area boundary is intended to provide some relief in 2003 to the severely constrained commercial and recreational fishers in southern California based on the new bocaccio stock assessment and rebuilding analysis. The effects of using this new boundary line were not previously analyzed under the National Environmental Policy Act; so NMFS has prepared an Environmental Assessment for this action. This regulation is being prepared as an emergency action under the Magnuson Act not because it has significant impacts, but rather because the action does not fit within the framework established for inseason actions under the Groundfish Fishery Management Plan. While some environmental groups may not support this action, NMFS does not consider the action significant.

**Timetable:**

Action	Date	FR Cite
Final Action	09/05/03	68 FR 52703

**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-AR47

### 736. ● FISHING CAPACITY REDUCTION PROGRAM IN THE PACIFIC COAST GROUND FISH FISHERY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1861a (b) to 1861a (e); PL 107-206; PL 108-7

**CFR Citation:** 50 CFR 600

**Legal Deadline:** NPRM, Statutory, April 10, 2003, NPRM.

Final, Statutory, May 21, 2003, Final.

**Abstract:** Establishes a fishing capacity reduction program in the Pacific Coast groundfish fishery by Federal Register notice rather than regulation. The maximum reduction cost is \$46 million, funded by a \$10 million appropriation and a \$36 million loan to be repaid by landing fees for those participants remaining in the fishery. Eligible parties volunteer for reduction by submitting bids in a reverse auction where bid prices are scored by the value of bidders' past harvests. The groundfish reduction program makes payments for relinquishing all Federal fishing permits, as well as state permits for Washington, Oregon, and California Dungeness crab and pink shrimp. Participating fishing vessels can never fish again anywhere in the world. Reducing capacity will increase post-reduction harvesters' productivity, financially stabilize the fishery, and help conserve and manage Pacific Coast groundfish.

**Timetable:**

Action	Date	FR Cite
NPRM	05/28/03	68 FR 31653
NPRM Comment Period End	06/27/03	
Final Action	07/18/03	68 FR 42613
Final Action Effective	07/18/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**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-AQ99

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**737. ENDANGERED AND THREATENED SPECIES: TAKE OF THREATENED SOUTHERN OREGON/NORTHERN CALIFORNIA COAST EVOLUTIONARILY SIGNIFICANT UNIT (ESU) OF COHO SALMON****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701 et seq**CFR Citation:** 50 CFR 223**Legal Deadline:** None

**Abstract:** On May 6, 1997, NMFS listed the Southern Oregon/Northern California Coast Evolutionary Significant Unit (ESU) of coho salmon as threatened. NMFS is now issuing protective regulations under section 4(d) of the ESA which will apply section 9(a) prohibitions to all activities within this ESU unless: in compliance with section 10 or other exemptions under the ESA; in accordance with a timely application for a permit for scientific purposes to enhance propagation or survival of the species; or within carefully circumscribed harvest hatchery, research and monitoring, or habitat restoration activity exceptions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/18/97	62 FR 38479
Withdrawn	08/15/03	

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

**Agency Contact:** Barry Thom, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Email: barry.thom@noaa.gov

**RIN:** 0648-AJ91**738. DRAFT POLICY FOR EVALUATION OF CONSERVATION EFFORTS IN MAKING LISTING DECISIONS****Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1531**CFR Citation:** 50 CFR 424**Legal Deadline:** None

**Abstract:** This draft policy evaluates conservation efforts in making listing

decisions under the Endangered Species Act (ESA). The policy identifies considerations to be used in determining whether conservation plans and agreements, management plans or other efforts provide sufficient protections to preclude or remove the need to list a species under the ESA.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/00	65 FR 37102
Final Action	03/28/03	68 FR 15100

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

**Additional Information:** This document was published under RINS: 1018-AF55, 0648-XA48

**Agency Contact:** Margaret C. Lorenz, ESA Policy Coordinator, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-1401

Email: margaret.lorenz@noaa.gov

**RIN:** 0648-AL91**739. RESTRICTIONS ON POUND NET LEADERS TO ENHANCE TURTLE PROTECTION IN VIRGINIA; THREATENED AND ENDANGERED SEA TURTLE CONSERVATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 222; 50 CFR 223; 50 CFR 224**Legal Deadline:** None

**Abstract:** This action involves prohibiting the use of all pound net leaders measuring 12 inches or greater stretched mesh and all pound nets with stringer leaders in the Virginia waters of the mainstem Chesapeake Bay and the waters of the James River, York River, and Rappahannock River downstream of the first bridge in each tributary from May 8 to June 30. This action also includes a provision to extend the regulation if NMFS believes that sea turtles may still be vulnerable to entanglement in pound net leaders after June 30. Should an extension of the prohibition of pound net leaders measuring 12 inches or greater stretched mesh and leaders with stringers be necessary, NMFS will file

a notification with the Office of the Federal Register explicitly stating the duration of the extension. Additionally, this action incorporates a measure that if high strandings start to occur and/or monitoring of pound net leaders reveals new information about sea turtle interactions with pound net leaders less than 12 inches stretched mesh, NMFS may determine that additional restrictions are necessary. Should this occur, NMFS will immediately file a final rule with the Office of the Federal Register which explicitly states the mandatory gear modification as well as the affected area and the time period. Such additional restrictions may include prohibiting the use of all pound net leaders measuring 8 inches or greater stretched mesh or prohibiting the use of all pound net leaders regardless of mesh size in the Virginia waters of the mainstem Chesapeake Bay and portions of the Virginia tributaries from the date of publication to June 30.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/02	67 FR 15160
NPRM Comment Period End	04/15/02	
Interim Final Rule	06/17/02	67 FR 41196
Interim Final Rule Comment Period End	07/17/02	
Final Action	07/16/03	68 FR 41944

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

**Agency Contact:** Mary A. Colligan, Assistant Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS/Protected Resources, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9116  
Fax: 978 281-9394

**RIN:** 0648-AP81**740. DESIGNATING THE EASTERN NORTH PACIFIC SOUTHERN RESIDENT STOCK OF KILLER WHALES AS DEPLETED****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1383b**CFR Citation:** 50 CFR 216**Legal Deadline:** None

**Abstract:** NMFS anticipates promulgating regulations to designate

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the Eastern North Pacific, Southern Resident stock of killer whales as depleted under the Marine Mammal Protection Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/28/02	67 FR 43586
ANPRM Comment Period End	08/30/02	
NPRM	01/30/03	68 FR 4719
NPRM Comment Period End	03/31/03	
Final Action	05/29/03	68 FR 31980

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**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-AQ00

**741. DESIGNATION OF CRITICAL HABITAT FOR GULF STURGEON**

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 226

**Legal Deadline:** NPRM, Judicial, May 23, 2002, NPRM.

Final, Judicial, February 28, 2003, Final.

**Abstract:** The National Marine Fisheries Service and U.S. Fish and Wildlife Service (collectively, the Services) jointly listed the Gulf sturgeon as "threatened" under the Endangered Species Act (ESA) in 1991. The ESA requires that critical habitat be designated for any listed species. On June 6, 2002, the Services proposed designating critical habitat for the Gulf sturgeon. The proposed designation includes seven freshwater and seven estuarine/marine units in the Gulf of Mexico as critical habitat. All of the units proposed as critical habitat are areas presently occupied by Gulf sturgeon during part of its life cycle. On August 8, 2002, the Services announced the availability of a draft economic analysis of the proposed designation, and extended the public comment period for the proposal to

October 7, 2002. A final designation must be filed by February 28, 2003, per a court settlement agreement.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/02	67 FR 39106
Comment Period Extended	08/08/02	67 FR 51530
NPRM Comment Period End	10/07/02	
Final Action	03/19/03	68 FR 13419

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Stephania Bolden, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER3, 9721 Executive Center Drive North, St. Petersburg, FL 33702

Phone: 727 570-5312

**RIN:** 0648-AQ03

**742. 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 229

**Legal Deadline:** None

**Abstract:** This proposed regulatory action is related to RIN 0648-AN88, a final rule which amended the regulations that implement the Atlantic Large Whale Take Reduction Plan and established a Dynamic Area Management (DAM) program. This proposed regulatory action involves the identification of acceptable fishing practices and gear which could be used under the DAM program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/04/03	68 FR 10195
NPRM Comment Period End	04/03/03	
Final Action	08/26/03	68 FR 51195

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Colligan, Assistant Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS/Protected

Resources, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9116  
Fax: 978 281-9394

**RIN:** 0648-AQ04

**743. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS****Timetable:**

Action	Date	FR Cite
Duplicate of 0648-AR02	08/22/03	

**RIN:** 0648-AQ42

**744. ENDANGERED AND THREATENED SPECIES; FINDING FOR A PETITION TO REVISE CRITICAL HABITAT FOR NORTHERN RIGHT WHALES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 226

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service announces the receipt of a petition to revise critical habitat for the endangered western North Atlantic right whales. NMFS finds that the petition presents substantial scientific information indicating that this action may be warranted and is soliciting public comment and information on the petition. NMFS will determine how to proceed with the petitioned action within 12 months after receiving the petition.

**Timetable:**

Action	Date	FR Cite
Notice	11/19/02	67 FR 69708
Comment Period End	01/21/03	
Finding	08/28/03	68 FR 51758

**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-AQ53



## DOC—NOAA

## Completed Actions

**745. LIST OF FISHERIES FOR 2003****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229**Legal Deadline:** NPRM, Statutory, January 2, 2003, NPRM. Final, Statutory, April 1, 2003, Final.

**Abstract:** The National Marine Fisheries Service (NMFS) proposes to amend the 2003 List of Fisheries (LOF), as required by the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1387(c)(1)), to update the status of commercial fisheries to reflect new information on the interaction with marine mammals. Under the MMPA, NMFS must place each commercial fishery on the LOF into one of three categories based upon the level of serious injury and mortality of marine mammals that occurs incidental to that 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	01/10/03	68 FR 1414
NPRM Comment Period End	02/10/03	
Final Action	07/15/03	68 FR 41725

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

**Agency Contact:** Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2289

RIN: 0648-AQ60

**746. TAKING AND IMPORTING OF MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO MISSILE LAUNCH ACTIVITIES BY THE U.S. NAVY AT SAN NICOLAS ISLAND, CALIFORNIA****Priority:** Routine and Frequent**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. Navy for regulations under section 101(a)(5)(A) of the MMPA to take non-endangered seals and sea lions incidental to conducting missile launch operations from San Nicolas Island, California. Target missile launches are used to support test and training activities associated with the Naval Air Warfare Center's Point Mugu Sea Range. 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	05/09/03	68 FR 24905
NPRM Comment Period End	06/23/03	
Final Action	09/02/03	68 FR 42132

**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-AQ61

**747. • TECHNICAL AMENDMENT TO THE ATLANTIC LARGE WHALE TAKE REDUCTION PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 216**Legal Deadline:** None

**Abstract:** NMFS is amending the regulations that implement the Atlantic Large Whale Take Reduction Plan, specifically with regard to the straight set of gillnets in the southeast U.S. Restricted Area in waters off the coasts of Georgia and Florida. The intent of this proposed rule is to prohibit straight sets of gillnets at night from November 15 through March 31, annually to reduce the risk of entanglement of large whales, including the western North Atlantic right whale.

This rule was published on March 27, 2002, in the Federal Register under RIN 0648-AN88.

**Timetable:**

Action	Date	FR Cite
Final Action	04/21/03	68 FR 19464

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

**Agency Contact:** Laurie K. Allen, Acting Director, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20912  
Phone: 301 713-2332

RIN: 0648-AR02

**748. NATURAL RESOURCE DAMAGE ASSESSMENTS UNDER THE OIL POLLUTION ACT OF 1990****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 2706(e)**CFR Citation:** 15 CFR 990**Legal Deadline:** None

**Abstract:** This action amends the natural resource damage assessment rule under the Oil Pollution Act of 1990, codified at 15 CFR 990, due to court remand (General Electric vs. Commerce, 128 F. 3d 767. DC Cir. 1997).

**Timetable:**

Action	Date	FR Cite
NPRM	07/31/01	66 FR 39464
Final Action	10/01/02	67 FR 61483

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

**Agency Contact:** Eli Reinharz, Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA/DAC, Room 10218, 1305 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-3038  
Fax: 301 713-4387

RIN: 0648-AM80

## DOC—NOAA

## Completed Actions

**749. Sequence Number Intentionally Skipped****750. • FLORIDA KEYS NATIONAL MARINE SANCTUARY: ESTABLISHMENT OF TEMPORARY NO-ENTRY ZONE IN THE WHITE BANK DRY ROCKS AREA**

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

**Legal Authority:** 16 USC 1431

**CFR Citation:** 15 CFR 922

**Legal Deadline:** None

**Abstract:** The National Oceanic and Atmospheric Administration (NOAA) issues a temporary rule prohibiting all entry into two areas off the east side of Key Largo within Federal waters of the Florida Keys National Marine Sanctuary. The combined areas are approximately .50 square mile in size. This rule is necessary to prevent injury to, and destruction of, living coral from stress to diseased coral within the closed areas, and to protect healthy coral from human-causes contamination.

**Timetable:**

Action	Date	FR Cite
Final Action	07/01/03	68 FR 39005

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Billy Causey, Superintendent, Florida Keys National Marine Sanctuary, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 500368, Marathon, FL 33050  
Phone: 305 743-2437

**RIN:** 0648-AR17

**751. POLICIES AND PROCEDURES REGARDING USE OF THE NOAA SPACE-BASED DATA COLLECTION SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 313; 49 USC 44720; 15 USC 1525; 7 USC 450b; 5 USC 552

**CFR Citation:** 15 CFR 911

**Legal Deadline:** None

**Abstract:** NOAA is issuing a revision to its policies and procedures for the

use of NOAA data collection systems (DCS) that operate on NOAA's Geostationary Operational Environmental Satellites and on its Polar-orbiting Operational Environmental Satellites. The changes will allow expanded use of the NOAA DCS for government interests and permit greater flexibility in utilizing these assets in support of homeland security, national security, law enforcement, and humanitarian operations.

**Timetable:**

Action	Date	FR Cite
Final Action	08/01/03	68 FR 45160

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kay Metcalf, NOAA GOES DCS Program Manager, Department of Commerce, National Oceanic and Atmospheric Administration, NESDIS, 5200 Auth Road, FB4, Room 3320, Suitland, MD 20746

Phone: 301 467-5681

Fax: 301 457-5620

**RIN:** 0648-AQ55

**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)****Proposed Rule Stage****752. 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 proposes to amend its 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	11/00/03	

**Regulatory Flexibility Analysis Required:** 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

**RIN:** 0651-AB32

**753. 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 2.120(a); 37 CFR 2.120(d) to (g); 37 CFR 2.120 (i) to (j);

## DOC—PTO

## Proposed Rule Stage

37 CFR 2.121 (a) to (b); 37 CFR 2/127 (e)

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office proposes to amend its rules of practice in connection with inter partes proceedings before the Trademark Trial and Appeal Board to require initial disclosure of certain information.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** 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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

Action	Date	FR Cite
NPRM Comment Period End	12/00/03	

**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

**755. • 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 is proposing to revise 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	11/00/03	
Final Rule	03/00/04	
Effective Date	05/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

robert.bahr@uspto.gov

**URL For Public Comments:**

ab 64.comment@uspto.gov

**Agency Contact:** Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313

Phone: 703 305-8850

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Email: robert.bahr@uspto.gov

**RIN:** 0651-AB64

**756. • CHANGES IN REQUIREMENTS FOR AMENDMENT AND CORRECTION OF TRADEMARK REGISTRATIONS**

**Priority:** Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

**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 proposes to amend its rules to: (1) eliminate the requirement that a request for amendment or correction of a trademark 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	11/00/03	
NPRM Comment Period End	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DOC—PTO

## Proposed Rule Stage

**Agency Contact:** Mary E. Hannon, Staff Attorney, Department of Commerce, Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202  
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**RIN:** 0651-AB67

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

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

**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 (if enacted) 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 proposes changes in 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 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
NPRM	11/00/03	
NPRM Comment Period End	12/01/03	
Final Action	03/00/04	
Final Action Effective	04/00/04	

**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-AB69

**758. • REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2005**

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

**Legal Authority:** 35 USC 41; 15 USC 1115; 35 USC 376; 15 USC 1051; 15 USC 1113; 15 USC 1123; 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 2.6

**Legal Deadline:** Final, Statutory, October 1, 2004, Final.

**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	05/00/04	
Final Action	08/00/04	
Final Action Effective	10/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Matthew Lee, Financial Systems Analyst, Department of Commerce, Patent and Trademark Office, PK1-802, PK1-802, Washington, DC 20231

Phone: 703 305-8051

Email: matthew.lee@uspto.gov

**RIN:** 0651-AB70

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

**Final Rule Stage**

**759. CHANGES TO IMPLEMENT THE 2002 INTER PARTES REEXAMINATION AND OTHER TECHNICAL AMENDMENTS TO THE PATENT STATUTE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2(b)(2); PL 107-273

**CFR Citation:** 37 CFR 1

**Legal Deadline:** None

**Abstract:** The 21st Century Department of Justice Appropriations Authorization Act contains a title relating to intellectual property. The patent—related provisions in the intellectual property title of the 21st Century

Department of Justice Appropriations Authorization Act include provisions permitting a third party requester in an inter partes reexamination proceeding to appeal a final decision by the Board of Patent Appeals and Interferences to the U.S. Court of Appeals for the Federal Circuit, and to participate in the patent owner's appeal of a final decision by the Board of Patent Appeals and Interferences to the U.S. Court of Appeals for the Federal Circuit. Also included are technical amendments to statutory provisions directed to inter partes reexamination, eighteen—month publication of patent applications and provisional rights, and

issuance of patents. The United States Patent and Trademark Office (Office) is in this notice proposing changes to the rules of practice to implement the patent—related provisions of the 21st Century Department of Justice Appropriations Authorization Act, and other miscellaneous changes related to appeals in reexamination proceedings.

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/03	68 FR 22343
NPRM Comment Period End	06/27/03	
Final Action	11/00/03	
Final Action Effective	12/00/03	

## DOC—PTO

## Final Rule Stage

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

kenneth.schor@uspto.gov

**URL For Public Comments:**

ab57.comments@uspto.gov

**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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Email: robert.bahr@uspto.gov

**RIN:** 0651-AB57**760. REVISION OF SEARCH AND PRELIMINARY EXAMINATION FEES FOR INTERNATIONAL APPLICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2); 35 USC 376; ...**CFR Citation:** 37 CFR 1**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office (Office) is proposing to adjust the international search and international preliminary examination fees for international applications filed under the Patent Cooperation Treaty (PCT). The Office is planning to outsource the international search under PCT chapter I for international applications. The Office is proposing to adjust the international search and international preliminary examination fees to more closely reflect the estimated cost of obtaining a PCT chapter I search and conducting the international preliminary examination under the new process. The Office is also proposing miscellaneous changes

to the rules of practice in patent cases that relate to the United States Patent and Trademark Fee Modernization Act of 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	05/30/03	68 FR 32441
NPRM Comment Period End	06/30/03	
Final Action	11/00/03	
Final Action Effective	01/00/04	

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

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**URL For Public Comments:**

ab61.comment@uspto.gov

**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-AB61**761. • CHANGES RELATED TO ASSIGNMENTS OF PATENTS AND TRADEMARKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1123; 35 USC 2(b)(2); ...**CFR Citation:** 37 CFR 1; 37 CFR 3; ...**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark (Office) is proposing changes to the rules of practice to allow for more efficient electronic routing of assignment documents within the

Office. Specifically, the Office proposes to discontinue the current Office practice of returning patent and trademark assignment documents submitted for recording (in the assignments database) by mail, and to dispose of the documents according to a record retention schedule after scanning. Further, only certain paper sizes for assignment documents will be accepted for recording. In addition, the Office proposes to clarify what assignment information is available to the public. Finally, the Office proposes to modify the practice relating to issuance of a patent to an assignee by providing that after payment of an issue fee, a request for a certificate of correction must be filed to obtain issuance of the patent to an assignee.

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/03	68 FR 38258
NPRM Comment Period End	08/26/03	
Final Action	11/00/03	
Final Action Effective	12/00/03	

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

robert.bahr@uspto.gov

**URL For Public Comments:**

ab63.comment@uspto.gov

**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-AB63**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)****Long-Term Actions****762. PROCESSING FEE FOR USE OF PAPER FORMS FOR SUBMISSION OF APPLICATIONS FOR REGISTRATION AND OTHER DOCUMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR 2.6(a)**Timetable:**

Action	Date	FR Cite
NPRM	05/12/02	67 FR 35081
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Craig Morris

Phone: 703 308-3910

**RIN:** 0651-AB52

## DOC—PTO

## Long-Term Actions

**763. 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**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr  
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 Email: robert.bahr@uspto.gov

**RIN:** 0651-AB54**764. CHANGES TO REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR 1; 37 CFR 2; 37 CFR 10; 37 CFR 11**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis**  
**Required:** No**Government Levels Affected:** None

**Agency Contact:** Harry I. Moatz  
 Phone: 703 306-4097

**RIN:** 0651-AB55
**Department of Commerce (DOC)  
 Patent and Trademark Office (PTO)**

## Completed Actions

**765. ELIMINATION OF CONTINUED PROSECUTION APPLICATION PRACTICE AS TO UTILITY AND PLANT****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1**Legal Deadline:** None

**Abstract:** The American Inventors Protection Act of 1999 (AIPA) enacted provisions for the continued examination of a utility or plant application at the request of the applicant (request for continued examination or RCE practice). Therefore, there no longer appears to be a need for continued prosecution application (CPA) practice as to utility and plant applications. Thus, the Office is eliminating CPA practice as to utility and plant applications. An applicant for a utility or plant patent may also continue to effectively obtain further examination of the application by filing a continuing application under section 1.53(b). Since RCE practice does not apply to design applications, CPA practice will remain in place for design applications.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/01	66 FR 35763
NPRM Comment Period End	09/07/01	
Final Action	05/30/03	68 FR 32376
Final Action Effective	07/14/03	

**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  
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**RIN:** 0651-AB37**766. MADRID PROTOCOL IMPLEMENTATION ACT RULES CHANGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1123; 35 USC 2**CFR Citation:** 37 CFR 2; 37 CFR 7**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office (USPTO) proposes to amend 37 CFR part 2 and to add a new 37 CFR part 7 to implement the Madrid Protocol Implementation Act of 2002, Pub. L. 107-273, 116 Stat. 1758, 1913 to 1921 (15 U.S.C. 1051) (MPIA). MPIA permits the owner of a United States trademark application or registration to file an international trademark application with the International Bureau of the World Intellectual Property Organization through the USPTO. It also permits the holder an international registration to request an extension of protection of that registration to the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/03	68 FR 15119

Action	Date	FR Cite
NPRM Comment Period End	05/27/03	
Final Action	09/26/03	68 FR 55748

**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  
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**RIN:** 0651-AB45**767. CHANGES TO PROMOTE QUALITY ENHANCEMENT AND PENDENCY****Timetable:**

Action	Date	FR Cite
Duplicate of RIN 0651- AB64	08/26/03	

**RIN:** 0651-AB50**768. CHANGES TO IMPLEMENT ELECTRONIC MAINTENANCE OF OFFICIAL PATENT APPLICATION RECORDS****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

## DOC—PTO

## Completed Actions

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 beginning-to-end electronic processing of patent applications. The Office is proposing changes to the rules of practice in this notice to adapt to a patent electronic image management system. Specifically, the changes proposed in this notice facilitate electronic data capture and processing, streamline the patent application process, and simplify and clarify the pertinent provisions of the rules of practice.

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/03	68 FR 14365
NPRM Comment Period End	04/24/03	
Final Action	06/30/03	68 FR 38611
Final Action Effective	07/30/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0651-AB59

**769. REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2004**

**Priority:** Routine and Frequent

**Legal Authority:** 35 USC 41; 15 USC 1115; 35 USC 376; 15 USC 1051; 15 USC 1113; ...

**CFR Citation:** 37 CFR 1.16 to 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; ...

**Legal Deadline:** Final, Statutory, October 1, 2003, Final.

**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	04/30/03	68 FR 23092
Final Action	07/14/03	68 FR 41532
Final Action Effective	10/01/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 0651-AB60

**770. • REORGANIZATION OF CORRESPONDENCE AND OTHER GENERAL PROVISIONS IN 37 CFR CHAPTER 1**

**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 35 USC 52; 15 USC 1123

**CFR Citation:** 37 CFR 1; 37 CFR 2

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office (Office) is amending its rules to remove Trademark-related references from 37 CFR part 1 and consolidate them with other Trademark provisions in part 2.

**Timetable:**

Action	Date	FR Cite
Final Rule	08/13/03	68 FR 48286
Final Rule Effective	09/12/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0651-AB68

## Department of Commerce (DOC)

## Final Rule Stage

## Technology Administration (TA)

**771. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS UNDER GOVERNMENT GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS**

**Priority:** Other Significant

**Legal Authority:** 35 USC 206

**CFR Citation:** 37 CFR 401

**Legal Deadline:** None

**Abstract:** This rule is issued to authorize the electronic reporting of inventions and the filing of provisional patent applications.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/14/95	60 FR 41811
Interim Final Rule Comment Period End	09/13/95	
Final Action	02/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0692-AA14

**772. 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

DOC—TA

Final Rule Stage

501 expanded to cover foreign rights of inventions made by Federal employees.

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/07/96	61 FR 40997
Interim Final Rule Effective	08/07/96	
Final Action	04/00/04	

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

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**RIN:** 0692-AA15

**773. AMENDMENT TO RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS UNDER GOVERNMENT GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 206**CFR Citation:** 37 CFR 401**Legal Deadline:** NPRM, Statutory, June 30, 2000, NPRM.

**Abstract:** This would require certain support contractors to license their rights if they make an invention under

a Cooperative Research and Development Agreement.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/00	65 FR 54826
Final Action	03/00/04	

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

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**RIN:** 0692-AA18

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**BILLING CODE 3510-BW-S**