



# Federal Register

---

**Monday,  
April 30, 2007**

---

**Part IV**

**Department of  
Commerce**

---

**Semiannual Regulatory Agenda**

**DEPARTMENT OF COMMERCE (DOC)**

**DEPARTMENT OF COMMERCE**

**Office of the Secretary**

**13 CFR Ch. III**

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

**19 CFR Ch. III**

**37 CFR Chs. I, IV, and V**

**48 CFR Ch. 13**

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

**Spring 2007 Semiannual Agenda of Regulations**

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** In compliance with Executive Order 12866 entitled “Regulatory Planning and Review” and the Regulatory Flexibility Act, as amended, the Department of Commerce (Department), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2006 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department’s spring 2007 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2007 through March 31, 2008.

**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 February 1, 2007, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2007 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda which contains a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

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

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

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

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

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

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

The Department’s spring 2007 regulatory agenda follows.

**John J. Sullivan,**  
*General Counsel.*

**Office of the Secretary—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
292	Civil Monetary Penalties; Adjustments .....	0690-AA35

## DOC

## Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
293	Change in Reporting Requirements for BE-11, Annual Survey of U.S. Direct Investment Abroad .....	0691-AA63
294	Change in Reporting Requirements for BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2007 .....	0691-AA64

## Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
295	Benchmark Survey of Transactions Between U.S. and Foreign Persons in Selected Services and Intangible Assets .....	0691-AA60
296	Quarterly Survey of Transactions in Selected Services and Intangible Assets With Foreign Persons .....	0691-AA61
297	Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons .....	0691-AA62

## Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
298	Procedure for Requesting Estimates Review and Update .....	0607-AA46

## Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
299	Cutoff Dates for Recognition of Boundary Changes for Census 2000 and for the Intercensal Period .....	0607-AA35
300	Mandatory Automated Export System (AES) Filing for Export Shipments Requiring Shipper's Export Declaration Information .....	0607-AA38

## Bureau of the Census—Long-Term Actions

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

## Economic Development Administration—Completed Actions

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

## General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
303	Disclosure of Government Information .....	0605-AA19
304	Revision of Debt Collection Regulations .....	0605-AA24

**DOC**

General Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
305	Disclosure of Government Information; Responsibility for Responding to Freedom of Information Act Requests .....	0605-AA22

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
306	Nonprocurement Debarment and Suspension .....	0605-AA23

International Trade Administration—Proposed Rule Stage

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

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
308	Proposed Amendment to Regulation Concerning Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings .....	0625-AA66
309	Changes in the Insular Possessions Watch, Watch Movement and Jewelry Programs .....	0625-AA72
310	Antidumping and Countervailing Duty Proceedings; Documents Submission Procedures; APO Procedures .....	0625-AA73

International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
311	Commercial Availability of Fabric and Yarn .....	0625-AA59

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
312	Mexican Cement Import Licensing System .....	0625-AA70
313	Procedures for Importation of Supplies for Use in Emergency Relief Work .....	0625-AA71

Bureau of Industry and Security—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
314	Automated Export System and Shippers Export Declaration—Requirement to Show Paragraphs in Export Control Classification Numbers .....	0694-AD89

## DOC

## Bureau of Industry and Security—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
315	Additional Protocol Regulations .....	0694-AD26
316	Conforming Changes to Certain End-User/End-Use Based Controls in the EAR; Clarification of the Term Transfer and Related Terms as Used in the EAR .....	0694-AD59
317	Authorization to Impose License Requirements for Exports and Reexports to Entities Acting Contrary to the United States' National Security or Foreign Policy Interests .....	0694-AD82
318	Mandatory Electronic Filing of Export and Reexport License Applications, Classification Requests, Encryption Review Requests and Notifications, and License Exception AGR Notifications .....	0694-AD94

## Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
319	License Exception AVS: Clarifications .....	0694-AC33
320	Administrative Action Providing for Order To Stop Specific Exports or Reexports Otherwise Eligible Under Designation NLR .....	0694-AC47
321	Chemical Weapons Convention Regulations: UDOC "Change in Inspection Status Form" .....	0694-AD53
322	Technical Amendments to the Export Administration Regulations .....	0694-AD54
323	Revisions and Clarifications to the Export Administration Regulations .....	0694-AD55
324	Implementation of the Understandings Reached at the 2004 Goteborg and 2005 Oslo Nuclear Supplier Group (NSG) Plenary Meetings .....	0694-AD58
325	Voluntary Disclosure Provisions and Administrative Case Settlement Guidance Related to Restrictive Trade Practices or Boycotts .....	0694-AD63
326	Revisions to License Requirements for Certain Thermal Imaging Cameras Incorporating Focal Plane Arrays .....	0694-AD71
327	Revisions to License Exceptions TMP and BAG: Expansion of Eligible Items .....	0694-AD72
328	Revisions and Clarification of Export and Reexport Controls for the People's Republic of China (PRC); New Authorization Validated End-User; Revision of Import and End-User Certificate Requirement .....	0694-AD75
329	Revision to General Restriction on All License Exceptions: Availability of Certain License Exceptions for Lightweight Aircraft Engines .....	0694-AD80
330	Revised Export License Application Review Policy and End Use Verification Policy to Implement the July 2006 Recommendations of the Commission for Assistance to a Free Cuba .....	0694-AD87
331	Expanded Licensing Jurisdiction for QRS11 Micromachined Angular Rate Sensor .....	0694-AD92
332	December 2006 Wassenaar Arrangement Plenary Agreement Implementation: CCL Cats. 1, 2, 3, 5 Pt. 1, 6, 7, 8, and 9; Wassenaar Report Req'mts.; Definitions; and Statmts. of Understanding on Source Code .....	0694-AD95
333	Revisions to the Export Administration Regulations Based on the 2006 Missile Technology Control Regime Plenary Agreements .....	0694-AD96
334	Corrections to Rule that Implemented the New Formula for Calculating Computer Performance: Adjusted Peak Performance (APP) in Weighted TeraFLOPS .....	0694-AD98
335	Amendment to General Order No. 3: Addition of Certain Persons and Expansion of Criteria for Placing Persons on the General Order .....	0694-AD99
336	Revisions and Technical Correction to the Export Administration Regulations .....	0694-AE00

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

Sequence Number	Title	Regulation Identifier Number
337	Export Administration Regulations: Support Documentation Consolidation and Reorganization .....	0694-AC04
338	Exports and Reexports to Sudan .....	0694-AC05
339	Expansion of License Exception GOV; Exports and Reexports to International Organizations .....	0694-AC15
340	De Minimis Expansion of Eligibility: U.S.-Origin Software Incorporated Into Foreign-Made Commodities .....	0694-AC17
341	Revision to the Export Administration Regulations: Replacement Licenses .....	0694-AC23
342	Short Supply Controls: Crude Oil Exports .....	0694-AC25
343	Clarifications to Part 752: Special Comprehensive License Requirements .....	0694-AC34
344	Chemical Weapons Convention: Revisions to the Export Administration Regulations .....	0694-AC35
345	Imposition of License Requirement for Exports and Reexports of Missile-Technology-(MT) Controlled Items to Canada .....	0694-AC48

## DOC

## Bureau of Industry and Security—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
346	Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the U.S. Munitions List .....	0694-AC74
347	Export and Reexport Controls on Iraq .....	0694-AC84
348	Clarification of "Space-Qualified" Parts, Components, and Technology Subject to the Export Administration Regulations .....	0694-AD07
349	Export Administration Regulations: Removal of Country Groups .....	0694-AD09
350	Implementation of the Wassenaar Arrangement Statement of Understanding on the Control of Non-Listed Dual-Use Items .....	0694-AD10
351	License Exception GOV Exports and Reexports for Official IAEA International Inspection and Verification Use in Accordance With the U.S.-IAEA Safeguards Agreement, as Amended by the Additional Protocol .....	0694-AD27
352	Removal of License Exception GBS and TSR Eligibility for Certain Microwave Monolithic Integrated Circuit Power Amplifiers and Related Software and Technology .....	0694-AD36
353	Establishment of New License Exception for the Export or Reexport to Libya of Certain Items Controlled for Anti-Terrorism Reasons on the Commerce Control List .....	0694-AD57
354	Revisions to the DPAS Regulation and Associated Notices .....	0694-AD69
355	Implementation in the Export Administration Regulations of the United States' Rescission of Libya's Designation as a State Sponsor of Terrorism and Revisions Applicable to Iraq .....	0694-AD81
356	Country Group C: Destinations of Diversion Concern .....	0694-AD93

## Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identifier Number
357	Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices .....	0694-AC82
358	Revisions and Clarification of License Exception Availability, License Requirements and Licensing Policy for Certain Crime Control Items .....	0694-AD47
359	Clarification of Licensing Requirements for Certain Photovoltaic Arrays and Related Software and Technology .....	0694-AD64
360	Removal of License Exception "Additional Permissive Reexports" (APR) Eligibility for Reexports of Commodities Controlled for National Security Reasons to Country Group D:1 Destinations .....	0694-AD70
361	Addition of "Serbia" and "Montenegro" as Separate Destinations in the Export Administration Regulations .....	0694-AD85
362	Implementation of the Understandings Reached at the June 2006 Australia Group (AG) Plenary Meeting; Clarifications and Corrections .....	0694-AD86
363	Technical Corrections to the Export Administration Regulations and to the Defense Priorities and Allocations System (DPAS) Regulation .....	0694-AD88
364	Addition of Entities to the Entity List .....	0694-AD91
365	North Korea: Imposition of New Foreign Policy Controls .....	0694-AD97

## National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
366	Guidance on Limited Access Privilege Provisions in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 .....	0648-AV48
367	Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act .....	0648-AV15

## National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
368	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9 .....	0648-AP60
369	Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs .....	0648-AQ20
370	Fisheries of the United States; National Standard 1 .....	0648-AQ63

## DOC

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

Sequence Number	Title	Regulation Identifier Number
371	Amendment 62 to the FMP 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 Isles (Islands) .....	0648-AR06
372	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery .....	0648-AR63
373	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska .....	0648-AR72
374	Revisions to the Definitions of Exempted Fishing and Scientific Research .....	0648-AR78
375	Community Development Quota (CDQ) Transfers 2007 .....	0648-AS13
376	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery .....	0648-AS22
377	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery .....	0648-AS25
378	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes .....	0648-AS49
379	Generic Amendment To Provide for Regulations of Offshore Aquaculture of Selected Fish .....	0648-AS65
380	Establish Management Measures for the Western Pacific Squid Fishery .....	0648-AS71
381	Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 14; Essential Fish Habitat (EFH) Descriptions for Pacific Salmon .....	0648-AS96
382	Transfer of Management Authority for the Atlantic Coast Red Drum Resource From the South Atlantic Fishery Management Council to the Atlantic States Marine Fisheries Commission .....	0648-AT13
383	West Coast Highly Migratory Species, Correcting Amendment .....	0648-AT32
384	Management Measures for Pacific Bigeye Tuna .....	0648-AT55
385	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan .....	0648-AT58
386	Framework Adjustment 1 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan .....	0648-AT62
387	Amendment 68; Central Gulf of Alaska Rockfish Pilot Program .....	0648-AT71
388	Interagency Electronic Reporting System (IERS) .....	0648-AT91
389	Western Pacific Precious Corals Fishery Management Plan (FMP): Amendment To Manage Hawaii Black Coral Fishery .....	0648-AT93
390	Amendment 84-A to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area Implementing Salmon Bycatch Measures .....	0648-AU03
391	American Lobster Fishery: Egg Production Measures as Approved in Addenda II Through VII to Amendment 3 of the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan .....	0648-AU07
392	Expansion of the Pacific Coast Groundfish Fishery Vessel Monitoring System to the Open Access Fishery .....	0648-AU08
393	Subsistence Halibut Program Amendments .....	0648-AU14
394	Regulatory Amendment To Revise Certain Species Codes in Table 2a and Table 2d .....	0648-AU20
395	Amendment 14 to the Bottomfish and Seamount Groundfish FMP: Measures to End Bottomfish Overfishing in the Hawaiian Archipelago .....	0648-AU22
396	Authorize an Exempted Fishing Permit Under the Highly Migratory Species (HMS) Fishery Management Plan (FMP) .....	0648-AU25
397	Amendment 12 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) .....	0648-AU26
398	Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region .....	0648-AU28
399	Amendment 15 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region .....	0648-AU29
400	Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan .....	0648-AU32
401	Framework 4 to the Fishery Management Plan for Monkfish .....	0648-AU34
402	Reconciliation of State and Federal Commercial Fishing Vessel Permit Programs .....	0648-AU51
403	Framework Adjustment to the Bycatch Reduction Criterion for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico .....	0648-AU59
404	Approval of Operations Plan for the Georges Bank Fixed Gear Sector for 2007-2008 .....	0648-AU61
405	Approval of Operations Plan for the Georges Bank Hook Sector for 2007-2008 .....	0648-AU62
406	Establishment of Quotas for the 2007-2008 Cod, Haddock, and Yellowtail Flounder Fishery .....	0648-AU63
407	Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands .....	0648-AU68
408	Amendment 15 to the Pacific Coast Salmon Fishery Management Plan .....	0648-AU69
409	2007-2008 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California .....	0648-AU70
410	Geographic Reorganization of Western Pacific Regulations .....	0648-AU71
411	Amend Vessel Marking Section 660.704 of the U.S. West Coast Highly Migratory Species Fishery Management Plan .....	0648-AU73
412	Effort Limitation for United States Commercial Fishing Vessels Targeting North Pacific Albacore Tuna .....	0648-AU74
413	Bag Limits for Tuna Species Taken in the Recreational Charter Fishery for the United States West Coast Fisheries for Highly Migratory Species .....	0648-AU77
414	Individual Fishing Quota Processing Restriction Amendments .....	0648-AU85
415	Atlantic Highly Migratory Species (HMS); 2007 Bluefin Tuna Quota Specifications and Effort Controls .....	0648-AU87
416	Atlantic Highly Migratory Species; International Trade Permit Regulatory Amendment .....	0648-AU88
417	Atlantic Highly Migratory Species; Atlantic Shark Management Measures .....	0648-AU89

## DOC

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

Sequence Number	Title	Regulation Identifier Number
418	Protective Regulations for Threatened Elkhorn and Staghorn Corals .....	0648-AU92
419	Vessel Monitoring System Revision for Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Fisheries .....	0648-AU93
420	Atlantic Highly Migratory Species (HMS); Essential Fish Habitat .....	0648-AV00
421	Revise Economic Data Reports (EDR) Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources .....	0648-AV06
422	Standardize Permit Applications for the Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea, Aleutian Islands, and Gulf of Alaska .....	0648-AV08
423	Atlantic Highly Migratory Species; North and South Atlantic Swordfish Commercial Management Measures .....	0648-AV10
424	Annual Specifications for 2007 Pacific Sardine Fishery .....	0648-AV11
425	High Seas Fishing Compliance Act (HSFCA); Amendment of Regulations .....	0648-AV12
426	Regulatory Amendment to Revise Electronic Reporting Software and Hardware Requirements for the Observer Communications System (OCS) .....	0648-AV13
427	Revision to Allowable Bycatch Reduction Devices for the Gulf of Mexico Shrimp Fishery .....	0648-AV14
428	Atlantic Highly Migratory Species (HMS); Sawfish Dehooking and Sea Turtle Handling Gear .....	0648-AV16
429	Amendment 18 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources .....	0648-AV17
430	Amendment 25 to the Fishery Management Plan in the Bering Sea and Aleutian Islands King and Tanner Crab Fisheries off Alaska .....	0648-AV19
431	Georges Bank Cod Hook Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch .....	0648-AV20
432	Framework Adjustment 7 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan .....	0648-AV21
433	2007 Georges Bank Cod Fixed Gear Sector Operations Plan and TAC allocation .....	0648-AV22
434	Amendment 1 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species .....	0648-AV24
435	Fishery Ecosystem Plans for the Western Pacific Region .....	0648-AV27
436	Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; FMP Amendment 10—Commonwealth of the Northern Mariana Islands (CNMI) Large Vessel Bottomfish Management .....	0648-AV28
437	Fisheries in the Western Pacific; Western Pacific Crustacean Fisheries; FMP Amendment 13—Deepwater Shrimp .....	0648-AV29
438	Fisheries in the Western Pacific; Precious Corals Fisheries; FMP Amendment 8—Gold and Black Coral Management .....	0648-AV30
439	South Atlantic Fishery Ecosystem Plan Comprehensive Amendment .....	0648-AV31
440	Modification Maximum Retainable Amounts (MRAs) for Selected Groundfish Species Caught by the Non-American Fishing Act Trawl Catcher/Processors Sector .....	0648-AV32
441	Community Development Quota Regulation of Harvest .....	0648-AV33
442	Reef Fish Amendment 30 for Gag, Red Grouper, Greater Amberjack, and Gray Triggerfish: Measures To End Overfishing and Establish SFA Parameters .....	0648-AV34
443	Alaska Groundfish Fisheries Seabird Avoidance Measures .....	0648-AV38
444	Amendment 13 to the Atlantic Sea Scallop Fishery Management Plan; Industry-Funded Observer Program .....	0648-AV39
445	Specifications for the 2008 Atlantic Mackerel, Squid, and Butterfish Fisheries .....	0648-AV40
446	Specifications for the 2008 Summer Flounder, Scup, and Black Seabass Fisheries .....	0648-AV41
447	Specifications for the 2008-2010 Surfclam and Ocean Quahog Fisheries .....	0648-AV42
448	Amendment 7 to the Summer Flounder, Scup, and Black Seabass Fishery Management Plan .....	0648-AV43
449	Amendment 4 to the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fisheries Management Plan (ISFMP) for Weakfish .....	0648-AV44
450	Reef Fish Regulatory Amendment for Vermilion Snapper to Revise Management Measures .....	0648-AV45
451	Catch Accounting Requirements for Processors/First Receivers Participating in the Pacific Whiting Shoreside Fishery .....	0648-AV46
452	Recreational Charter Halibut Fishery Management Measures .....	0648-AV47
453	Amendment 15 to the Pacific Coast Salmon FMP—De Minimis Fishing Opportunity for Klamath River Fall Run Chinook Salmon .....	0648-AV07
454	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental To Conducting Oil and Gas Exploration Activities in the Gulf of Mexico .....	0648-AQ71
455	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental To Assessing Naval Ship Survivability .....	0648-AT77
456	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental To Deployment of a Naval At-Sea Gunnery Scoring System .....	0648-AT78
457	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental To Testing and Training of the Navy's Surveillance Towed Array Sensor System—Low Frequency Active Sonar .....	0648-AT80
458	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Naval Training Operations at the East Coast Shallow Water Training Range .....	0648-AT81



## DOC

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

Sequence Number	Title	Regulation Identifier Number
459	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to U.S. Air Force Air-to-Surface Gunnery Exercises in the Northern Gulf of Mexico .....	0648-AT82
460	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Naval Explosives Ordnance Testing and Training Exercises in the Northern Gulf of Mexico .....	0648-AT83
461	Spinner Dolphins in the Main Hawaiian Islands .....	0648-AU02
462	Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Surf-Zone Explosive Ordnance Disposal School Training Operations at Eglin Air Force Base, Florida .....	0648-AU53
463	Taking Marine Mammals Incidental to Construction of the Knik Arm Bridge, Anchorage, Alaska .....	0648-AU96
464	Sea Turtle Conservation; Virginia Modified Pound Net Leader Inspection Program .....	0648-AU98
465	Potential Revisions to the Turtle Excluder Device Requirements .....	0648-AV04
466	Endangered and Threatened Species; Designation of Critical Habitat for Elkhorn and Staghorn Corals .....	0648-AV35
467	Amendments to Regulations for Tuna Purse Seine Vessels and Fishing Operations in the Eastern Tropical Pacific Ocean .....	0648-AV37

## National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
468	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery .....	0648-AK26
469	Amendment 1 to the Atlantic Herring Fishery Management Plan .....	0648-AQ87
470	Regulatory Amendment to Establish Measures Authorizing the Optional Use of Electronic Logbook Forms in the Western Pacific Fisheries .....	0648-AS29
471	Amendment to Regulations Implementing the Antarctic Marine Living Resources Convention Act of 1984 .....	0648-AS75
472	Amendment 67 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska .....	0648-AS84
473	Fisheries Off West Coast States; Highly Migratory Species Fisheries .....	0648-AS89
474	Joint Amendment to the Fishery Management Plans for the Shrimp (Amendment 14) and Reef Fish Fisheries (Amendment 27) of the Gulf of Mexico .....	0648-AT87
475	Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses .....	0648-AU01
476	Fisheries of the Northeastern United States; Recordkeeping and Reporting Requirements; Regulatory Amendment to Modify Seafood Dealer Reporting Requirements; Correction .....	0648-AU05
477	Observer Health and Safety .....	0648-AU46
478	Amendment 85 to the Fishery Management Plan for the Groundfish of the Bering Sea and Aleutian Islands (BSAI) Management Area; Pacific Cod Allocations .....	0648-AU48
479	Extend the North Pacific Groundfish Observer Program Beyond 2007 .....	0648-AU58
480	Recreational Specifications for the 2007 Summer Flounder, Scup, and Black Seabass Fisheries .....	0648-AU60
481	Reporting and Conservation Measures For Sea Otter Interactions With the Pacific Sardine Fishery .....	0648-AU72
482	Vessel List to Establish Eligibility to Fish for Albacore Tuna in Canadian Waters Under the U.S. Canada Albacore Tuna Treaty .....	0648-AU78
483	Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean .....	0648-AU79
484	Atlantic Hagfish Collection of Information Requirements .....	0648-AU80
485	Atlantic Highly Migratory Species; Swordfish Commercial Management Measures .....	0648-AU86
486	Reduce Overfishing of Atlantic Sea Scallops in the 2007 Fishing Year by Modifying the Elephant Trunk Access Area Management Measures .....	0648-AV05
487	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Season Lengths .....	0648-AV09
488	Illegal, Unreported, or Unregulated Fishing Definition .....	0648-AV23
489	Atlantic Highly Migratory Species (HMS); Temporary Suspension of Requirement To Use Circle Hooks in Atlantic Billfish Tournaments .....	0648-AV25
490	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
491	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives .....	0648-AO16
492	Taking Marine Mammals Incidental to Navy Operations .....	0648-AR99
493	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations .....	0648-AS01
494	Right Whale Ship Strike Reduction .....	0648-AS36
495	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental To the Explosive Removal of Off-shore Structures in the Gulf of Mexico .....	0648-AT79

## DOC

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

Sequence Number	Title	Regulation Identifier Number
496	12-month Finding on Petition To List Puget Sound Steelhead as an Endangered or Threatened Species Under the ESA .....	0648-AU43
497	Authorize Observer Coverage of Fisheries To Monitor Sea Turtle Interactions .....	0648-AU81
498	Rule Amending Gillnet Management Measures for Right Whale Protection in the Southeast U.S. Restricted Area ..	0648-AU90
499	Puget Sound Steelhead Proposed Protective Regulations .....	0648-AV18
500	Gulf of the Farallones National Marine Sanctuary Management Plan Review .....	0648-AT14
501	Monterey Bay National Marine Sanctuary Management Plan Review .....	0648-AT15
502	Channel Islands National Marine Sanctuary Management Plan Review .....	0648-AT17
503	Consideration of Marine Reserves and Marine Conservation Areas Within the Channel Islands National Marine Sanctuary .....	0648-AT18
504	Cordell Bank National Marine Sanctuary Management Plan Review .....	0648-AT16

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

Sequence Number	Title	Regulation Identifier Number
505	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission .....	0648-AT31
506	Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan .....	0648-AU36
507	Procedural Changes to the Federal Consistency Process .....	0648-AP98
508	Coastal Zone Management Act Federal Consistency Regulations .....	0648-AR16
509	Regional Marine Research Program .....	0648-AF20

## National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
510	Measures to Prevent or Mitigate and Conserve, Manage, and Allow Full Utilization of Sharks .....	0648-AN76
511	Implementation of the Regulatory Changes Resulting from the Amendments and Extension of the South Pacific Tuna Act .....	0648-AP61
512	Individual Fishing Quota for Guided Recreational Charter Halibut Fishery .....	0648-AR96
513	Fish and Seafood Promotion Act Provisions; Seafood Marketing Councils .....	0648-AS09
514	Amendment 26 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico To Establish a Red Snapper Individual Fishing Quota Program .....	0648-AS67
515	Individual Fishing Quota Program; Restructure Date-Specific Quota Share Regulations .....	0648-AS77
516	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures .....	0648-AT37
517	Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern U.S.; Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning .....	0648-AT48
518	Omnibus Amendments To Fishery Management Plans To Address Essential Fish Habitat .....	0648-AT57
519	Specifications for the 2007 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries .....	0648-AT60
520	Specifications for the 2007 Fishing Year for the Surfclam and Ocean Quahog Fishery .....	0648-AT61
521	Specifications for the 2007 Fishing Year for the Tilefish Fishery .....	0648-AT63
522	Specifications for the 2007 Fishing Year for the Atlantic Mackerel, Squid, and Butterfish Fisheries .....	0648-AT65
523	Specifications for the 2007 Fishing Year for the Atlantic Herring Fishery .....	0648-AT66
524	Specifications for the 2007 Fishing Year for the Atlantic Bluefish Fishery .....	0648-AT67
525	2006 Scallop Research Set-Aside Request for Proposals .....	0648-AT68
526	Western Pacific Bottomfish FMP: Amendment 9 To Limit Large Vessel Fishing Effort Around Guam .....	0648-AT94
527	Western Pacific Omnibus: Bottomfish Amendment 8, Amendment 12 Crustaceans, and Amendment 6 Precious Corals .....	0648-AT95
528	Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Recreational Grouper Fishery Management Measures .....	0648-AU04
529	Amendment 18 (Bycatch Minimization) to the Pacific Coast Groundfish Fishery Management Plan .....	0648-AU12
530	Announcement of the Optimum Yield and Harvest Quotas for Pacific Mackerel .....	0648-AU27
531	Modification to the "Other Species" Complex 2006 and 2007 Total Allowable Catch (TAC) Amounts in the Gulf of Alaska (GOA) .....	0648-AU52

## DOC

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

Sequence Number	Title	Regulation Identifier Number
532	Correct and Clarify 2005 Atlantic Mackerel, Squid and Butterfish Fishery Specifications .....	0648-AU54
533	Amendment to Northeast Multispecies Fishery Management Plan; Georges Bank Fixed Gear Sector Operations Plan .....	0648-AU56
534	Amendment 16-4 (Overfished Species Rebuilding) to the Pacific Coast Groundfish Fishery Management Plan and the 2007-2008 Groundfish Harvest Specifications and Management Measures .....	0648-AU57
535	Solicitation of Proposals for Research Set-Aside Quota for Mid-Atlantic Fisheries for 2008 .....	0648-AU64
536	Fishery Specifications for the 2007 Monkfish Fishery .....	0648-AU65
537	Solicitation of Proposals for Research Set-Aside Quota for Monkfish for 2008 .....	0648-AU66
538	Solicitation of Proposals for Research Set-Aside Quota for Atlantic Sea Scallop for 2008 .....	0648-AU67
539	Amend Regulations Pertaining to Protected Resource Closures in the United States West Coast Swordfish/Thresher Shark Drift Gillnet Fishery .....	0648-AU75
540	Regulations for the Development of Biological Reference Points for the United States West Coast Fisheries for Highly Migratory Species .....	0648-AU76
541	Amendment to Net Mesh Size Measurement Regulations .....	0648-AU83
542	Atlantic Shark Seasons and Quotas for First Trimester 2007 .....	0648-AU84
543	Change in Process for Renewing and Replacing Highly Migratory Species Vessel Owner Permits .....	0648-AU91
544	Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Establish a Control Date .....	0648-AU94
545	Fisheries in the Western Pacific; Removal of Delayed Effectiveness When Closing Hawaii Shallow-Set Longline Fishery .....	0648-AU99
546	Establish a Revised Control Date for the Commercial King Mackerel Fishery in the South Atlantic Exclusive Economic Zone .....	0648-AV02
547	Pacific Halibut Fisheries; Catch Sharing Plan .....	0648-AV03
548	Fisheries in the Western Pacific; Western Pacific Precious Corals Fisheries; Establish a Control Date for the Black Coral Fishery in the Au'au Channel, Hawaii .....	0648-AV26
549	Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild .....	0648-AN43
550	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to U.S. Air Force Precision Strike Weapons Exercises in the Northern Gulf of Mexico .....	0648-AT39
551	List of Fisheries for 2006 .....	0648-AU19
552	Designation of Critical Habitat for the Southern Resident Killer Whale ( <i>Orcinus orca</i> ) .....	0648-AU38
553	ESA Emergency Rule Closing Right Whale Core Calving Area to Gillnet Fishing .....	0648-AU95
554	Emergency Rule To Correct the Configuration of Chain Mats Required in the Mid-Atlantic Sea Scallop Dredge Fishery .....	0648-AU97
555	List of Fisheries for 2007 .....	0648-AV01
556	Gray's Reef National Marine Sanctuary .....	0648-AQ41
557	Certification Requirements for NOAA Electronic Navigational Chart Distribution .....	0648-AR87

## National Telecommunications and Information Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
558	Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes .....	0660-AA16

## Patent and Trademark Office—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
559	The Duty of Candor and Inequitable Conduct in Prosecution of Patent Applications .....	0651-AC04

## Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
560	Changes to Representation of Others Before the U.S. Patent and Trademark Office .....	0651-AB55

## DOC

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

Sequence Number	Title	Regulation Identifier Number
561	Amendment of Trademark Rules of Practice .....	0651-AB89
562	Examination of Patent Applications That Include Claims Containing Markush or Other Alternative Language .....	0651-AC00
563	Changes in the Requirements for Filing Requests for Reconsideration of Final Office Actions in Trademark Cases .....	0651-AC05
564	Revision of Patent and Trademark Fees for Fiscal Year 2008 .....	0651-AC07
565	Changes to Rules of Practice Before the Board of Appeals and Interferences in Ex Parte Appeals .....	0651-AC12
566	Changes to Rules of Practice Before the Board of Appeals and Interferences in Inter Partes Appeals .....	0651-AC13
567	Changes to Rules of Practice Before the Board of Appeals and Interferences in Interferences .....	0651-AC14

## Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
568	Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board .....	0651-AB56
569	Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination .....	0651-AB77
570	Revision of Patent Fees for Fiscal Year 2007 .....	0651-AB81
571	Correspondence With the United States Patent and Trademark Office, Office of the General Counsel .....	0651-AC08
572	Revision of Patent Cooperation Treaty Procedures .....	0651-AC09
573	International Trademark Classification Changes .....	0651-AC10
574	Correspondence with the Madrid Processing Unit of the United States Patent and Trademark Office .....	0651-AC11

## Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
575	Acceptance, Processing, Use and Dissemination of Chemical and Three-Dimensional Biological Structural Data in Electronic Format .....	0651-AB91
576	Changes to Practice for Continuing Applications, Requests for Continued Examination Practice, and Applications Containing Patentably Indistinct Claims .....	0651-AB93
577	Changes to Practice for the Examination of Claims in Patent Applications .....	0651-AB94
578	Changes to Information Disclosure Statement Requirements and Other Related Matters .....	0651-AB95
579	Pre-Brief Appeal Conference for Patent Applications Under Appeal to the Board of Patent Appeals and Interferences .....	0651-AB96
580	Changes to Examination Practice for Means- (or Step-) Plus-Function Claim Elements in Patent Applications .....	0651-AB97
581	Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility .....	0651-AB98
582	Revision to the Time for Required Filing of a Biological Deposit and to the Date of Availability of the Biological Deposit .....	0651-AB99
583	Changes to Implement Preexamination Search Reports .....	0651-AC03
584	Revisions to the Procedures for Deferral of Examination of an Application for Patent .....	0651-AC06

## Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
585	Changes to Implement Priority Application Exchange Between Intellectual Property Offices .....	0651-AB75
586	Amendment of Rules for Filing Intent to Use Documents in Section 1(b) Applications .....	0651-AB90
587	Changes To Facilitate Electronic Filing of Patent Correspondence .....	0651-AB92
588	Changes to Eliminate the Disclosure Document Program .....	0651-AC01

**Department of Commerce (DOC)**  
**Office of the Secretary (OS)**
**Completed Actions****292. • CIVIL MONETARY PENALTIES; ADJUSTMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-177**CFR Citation:** 15 CFR 6.4(a)(4); 15 CFR 6.4(a)(5)**Legal Deadline:** None**Abstract:** This final rule is being issued to adjust civil monetary penalties (CMPs) provided by law within the jurisdiction of the Department of Commerce (the Department). Recent

changes to the International Emergency Economic Powers Act (IEEPA), as amended by the USA PATRIOT Improvement and Reauthorization Act of 2005 (Patriot Act), Public Law 109-177, increased the penalties for two violations. The intent of this rule is to make the Department's regulations consistent with those changes.

**Timetable:**

Action	Date	FR Cite
Final Action	01/09/07	72 FR 900
Final Action Effective	01/09/07	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Peter Robbins, Attorney Advisor, Department of Commerce, Office of the Secretary, Office of the General Counsel, 15th & Pennsylvania Avenue, NW., Washington, DC 20230

Phone: 202 482-3151

Fax: 202 482-0512

Email: probbins@doc.gov

**RIN:** 0690-AA35
**Department of Commerce (DOC)**  
**Bureau of Economic Analysis (BEA)**
**Proposed Rule Stage****293. • CHANGE IN REPORTING REQUIREMENTS FOR BE-11, ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 3101 to 3108**CFR Citation:** 15 CFR 806.14**Legal Deadline:** None**Abstract:** This action will amend existing rule 15 CFR 806.14 to change the reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad, to require U.S. Reporters and foreign affiliates that are banks to be reported.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment Period End	10/00/07	
Final Action	01/00/08	
Final Action Effective	02/00/08	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Phone: 202 606-9890

Fax: 202 606-5318

Email: obie.whichard@bea.gov

**RIN:** 0691-AA63**294. • CHANGE IN REPORTING REQUIREMENTS FOR BE-12, BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES—2007****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 3101 to 3108**CFR Citation:** 15 CFR 806.17**Legal Deadline:** None**Abstract:** This action will amend existing rule 15 CFR 806.17 to provide for the conduct of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2007, as required by 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 2002, which has been completed and which the new survey will update.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment Period End	10/00/07	
Final Action	01/00/08	
Final Action Effective	02/00/08	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Phone: 202 606-9890

Fax: 202 606-5318

Email: obie.whichard@bea.gov

**RIN:** 0691-AA64
**Department of Commerce (DOC)**  
**Bureau of Economic Analysis (BEA)**
**Completed Actions****295. BENCHMARK SURVEY OF TRANSACTIONS BETWEEN U.S. AND FOREIGN PERSONS IN SELECTED SERVICES AND INTANGIBLE ASSETS****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 3101 to 3108**CFR Citation:** 15 CFR 801.10**Legal Deadline:** None**Abstract:** This action would amend 15 CFR 801.9 to provide for the conduct of the Benchmark Survey of Transactions in Selected Services and Intangible Assets With Foreign Persons (the BE-120). The existing regulations

implement a similar but more limited survey (the BE-20), which the new survey would replace. In particular, the new survey would collect information on services transactions with affiliated as well as unaffiliated foreign parties, whereas the coverage of the existing

## DOC—BEA

## Completed Actions

survey is limited to transactions with unaffiliated foreigners.

**Timetable:**

Action	Date	FR Cite
NPRM	09/15/06	71 FR 54448
NPRM Comment Period End	11/14/06	
Final Action	12/15/06	71 FR 75417
Final Action Effective	01/16/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0691-AA60

### 296. QUARTERLY SURVEY OF TRANSACTIONS IN SELECTED SERVICES AND INTANGIBLE ASSETS WITH FOREIGN PERSONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 801.9

**Legal Deadline:** None

**Abstract:** This action would amend 15 CFR 801.9 to provide for the conduct of the Quarterly Survey of Transactions in Selected Services and Intangible Assets With Foreign Persons (the BE-125). The existing regulations implement a similar but more limited survey (the BE-25), which the new

survey will replace. In particular, the new survey would collect information on services transactions with affiliated as well as unaffiliated foreign parties, whereas the coverage of the existing survey is limited to transactions with unaffiliated foreigners. In addition, the new survey would provide for quarterly collection of data on some services transactions that previously had been collected annually.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/06	71 FR 67086
NPRM Comment Period End	01/19/07	
Final Action	02/05/07	72 FR 5169
Final Action Effective	03/07/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

**RIN:** 0691-AA61

### 297. QUARTERLY SURVEY OF FINANCIAL SERVICES TRANSACTIONS BETWEEN U.S. FINANCIAL SERVICES PROVIDERS AND FOREIGN PERSONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 801.9

**Legal Deadline:** None

**Abstract:** This action would amend 15 CFR 801.9 to provide for the conduct of the Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons (the BE-185). The existing regulations implement a similar but more limited survey (the BE-85), which the new survey would replace. In particular, the new survey would collect information on services transactions with affiliated as well as unaffiliated foreign parties, whereas the coverage of the existing survey is limited to transactions with unaffiliated foreigners.

**Timetable:**

Action	Date	FR Cite
NPRM	11/16/06	71 FR 66706
NPRM Comment Period End	01/16/07	
Final Action	02/05/07	72 FR 5167
Final Action Effective	03/07/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

**RIN:** 0691-AA62

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

## Proposed Rule Stage

### 298. ● PROCEDURE FOR REQUESTING ESTIMATES REVIEW AND UPDATE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 13 USC 4; 13 USC 181

**CFR Citation:** 15 CFR 90

**Legal Deadline:** None

**Abstract:** The Census Bureau is proposing to amend title 15, section 90.1-90.20, of the Code of Federal Regulations (CFR) to update the

program name from Procedure for Challenging of Certain Population and Income Estimates to Procedures for Requesting Estimates Review and Update. In addition, references to the method by which population estimates are officially released will be updated to reflect widespread use of the Internet for disseminating official demographic data. Finally, references to per capita income will be eliminated from the document.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

## DOC—CENSUS

## Proposed Rule Stage

**Agency Contact:** Victoria A Velkoff,  
Assistant Division Chief for Population  
Estimates and Projections, Department  
of Commerce, Bureau of the Census,

Population Division, Room 5H185,  
Mailstop 8800, Washington, DC 20233  
Phone: 301 763-7070  
TDD Phone: 301-763-2182

Fax: 301 763-2516  
Email: victoria.a.velkoff@census.gov

**RIN:** 0607-AA46

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

## Final Rule Stage

**299. 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	12/00/07	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local,  
State

**Agency Contact:** Robert La Macchia,  
Chief, Geography Division, Department  
of Commerce, Bureau of the Census,  
Washington Plaza, Room 651, 4700  
Silver Hill Road, Washington, DC  
20233

Phone: 301 763-1022

**RIN:** 0607-AA35

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-228, sec 1404

**CFR Citation:** 15 CFR 30

**Legal Deadline:** None

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

specify the provisions and filing  
responsibilities of parties exporting  
commodities from the United States.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/22/03	68 FR 60301
ANPRM Comment Period End	11/21/03	
NPRM	02/17/05	70 FR 8200
NPRM Comment Period End	04/18/05	
Final Action	12/00/07	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 0607-AA38

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

## Long-Term Actions

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

**Priority:** Other Significant

**CFR Citation:** None

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** Federal,  
State

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

**RIN:** 0607-AA42

## Department of Commerce (DOC)

## Completed Actions

## Economic Development Administration (EDA)

**302. ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS****Priority:** Other Significant**Legal Authority:** 42 USC 3121 et seq; 19 USC 2341 et seq; 42 USC 6701; 42 USC 5184; 42 USC 5121 et seq; 42 USC 3123; 42 USC 6709; 42 USC 6101 et seq; 29 USC 794; 42 USC 2000d-1**CFR Citation:** 13 CFR 300 to 315**Legal Deadline:** None**Abstract:** The Economic Development Administration will be considering and modifying its regulations to reflect the requirements of its reauthorizing legislation passed in 2004. The revisions will implement the changes made to the Public Works and

Economic Development Act (PWEDA), as amended, by the reauthorizing legislation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/11/05	70 FR 47002
Interim Final Rule Effective	10/01/05	
Interim Final Rule Comment Period End	11/14/05	
Second Interim Final Rule	12/15/05	70 FR 74193
Second Interim Final Rule Effective	12/15/05	
Final Action	09/27/06	71 FR 56658

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State, Tribal**URL For More Information:** www.eda.gov**Agency Contact:** Otto B. Bird, Chief Counsel, Department of Commerce, Economic Development Administration, Office of the Chief Counsel, 1401 Constitution Avenue NW., Washington, DC 20230

Phone: 202 482-4687

Fax: 202 482-5671

Email: bbird@eda.doc.gov

**RIN:** 0610-AA63

## Department of Commerce (DOC)

## Final Rule Stage

## General Administration (ADMIN)

**303. DISCLOSURE OF GOVERNMENT INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 5 USC 552a; 5 USC 301; 5 USC 553; 31 USC 3717; 44 USC 3101**CFR Citation:** 15 CFR 4**Legal Deadline:** None**Abstract:** This rule amends the Department of Commerce's (Department) Privacy Act (PA) regulations (15 CFR part 4) by adding an additional method of authorization to determine the identification of individuals seeking access to records under the Privacy Act.**Timetable:**

Action	Date	FR Cite
Final Action	04/00/07	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Brenda Dolan, Departmental Freedom of Information and Privacy Act Officer, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230  
Phone: 202 482-3258  
Email: bdolan1@doc.gov**RIN:** 0605-AA19

1996, the revised Federal Claims Collection Standards, and other laws applicable to the collection of non-tax debts owed to the Commerce Department. This rule also revises Commerce's regulations governing the offset of Commerce-issued payments to collect debts owed to other Federal agencies.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/07	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Lisa Casias, Deputy Chief Financial Officer, Department of Commerce, 1401 Constitution Avenue, NW, Room 6827, Washington, DC 20230

Phone: 202 482-1207

**RIN:** 0605-AA24**304. • REVISION OF DEBT COLLECTION REGULATIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 104-134**CFR Citation:** 15 CFR 19; 15 CFR 21; 15 CFR 22**Legal Deadline:** None**Abstract:** This rule revises the Department of Commerce (Commerce Department or Commerce) debt collection regulations to conform to the Debt Collection Improvement Act of

## Department of Commerce (DOC)

## Long-Term Actions

## General Administration (ADMIN)

**305. DISCLOSURE OF GOVERNMENT INFORMATION; RESPONSIBILITY FOR RESPONDING TO FREEDOM OF INFORMATION ACT REQUESTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 4**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/01/06	71 FR 31073
Interim Final Rule Effective	06/01/06	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Brenda Dolan

Phone: 202 482-3258

Email: bdolan1@doc.gov

**RIN:** 0605-AA22



**Department of Commerce (DOC)**  
**General Administration (ADMIN)**
**Completed Actions**
**306. NONPROCUREMENT  
DEBARMENT AND SUSPENSION**

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

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

**CFR Citation:** 2 CFR 1326; 15 CFR 26 (Removed)

**Legal Deadline:** None

**Abstract:** The Department of Commerce (Department) amends its regulations to remove its provisions implementing the Governmentwide common rule on nonprocurement debarment and suspension, currently codified at title 15, and to adopt the Office of

Management and Budget's (OMB) guidance at title 2 of the Code of Federal Regulations published in the Federal Register on August 31, 2005. This proposed regulatory action would implement the OMB's initiative to streamline and consolidate all Federal regulations on nonprocurement debarment and suspension into one part of the CFR. The Department does not intend to modify any of its current policy.

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/06	71 FR 55354
Final Action	12/21/06	71 FR 76573
Final Action Effective	01/22/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gary W. Johnson, Senior Policy Specialist, Department of Commerce, HCHB, Room 6054, 14th and Constitution Avenue NW., Washington, DC 20230  
Phone: 202 482-1679  
Fax: 202 482-1844  
Email: gjohnso3@doc.gov

**RIN:** 0605-AA23

**Department of Commerce (DOC)**  
**International Trade Administration (ITA)**
**Proposed Rule Stage**
**307. 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 to 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 would 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	
NPRM	12/00/07	
Final Action	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Stacy Ettinger, Attorney, Department of Commerce, International Trade Administration, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-4618

**RIN:** 0625-AA51

**Department of Commerce (DOC)**  
**International Trade Administration (ITA)**
**Final Rule Stage**
**308. PROPOSED AMENDMENT TO  
REGULATION CONCERNING  
CERTIFICATION OF FACTUAL  
INFORMATION TO IMPORT  
ADMINISTRATION DURING  
ANTIDUMPING AND  
COUNTERVAILING DUTY  
PROCEEDINGS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 19 CFR 351

**Legal Deadline:** None

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

the potential consequences of false certifications.

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/04	69 FR 56738
Final Action	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert E. Nielsen, Senior Attorney, Department of Commerce, International Trade

## DOC—ITA

## Final Rule Stage

Administration, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-5340  
Email: robert\_neilsen@ita.doc.gov

RIN: 0625-AA66

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 1202; 48 USC 1681; PL 103-465; PL 106-36; PL 108-429

**CFR Citation:** 15 CFR 303

**Legal Deadline:** None

**Abstract:** This action amends the International Trade Administration regulations governing the duty-exemption allocations for watch producers and duty-refund benefits for watch and jewelry producers in the United States insular possessions (the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands).

This action would amend the regulations by updating the maximum total value of watch components per watch that are eligible for duty-free entry into the United States under the insular program, further clarifying the definition of creditable and non-creditable wages and fringe benefits, provide more details about the calculation of mid-year and annual duty-refund and the verification process, and make minor editorial changes.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/20/06	71 FR 61923
NPRM	01/24/07	72 FR 3083

Action	Date	FR Cite
NPRM Comment Period End	02/23/07	
Final Action	04/00/07	

**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, 14th Street & Constitution Avenue NW., Washington, DC 20230

Phone: 202 482-3526

RIN: 0625-AA72

### 310. • ANTIDUMPING AND COUNTERVAILING DUTY PROCEEDINGS; DOCUMENTS SUBMISSION PROCEDURES; APO PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 1677f(c)

**CFR Citation:** 19 CFR 351

**Legal Deadline:** None

**Abstract:** The Department of Commerce (“the Department”) proposes to amend its regulations in antidumping (“AD”) and countervailing duty (“CVD”) proceedings governing information submitted to the Department and administrative protective orders. Specifically, the Department proposes to amend its regulations as follows: (1) to reflect a transfer in the function of receiving submissions filed in D/CVD proceedings from the Central Records Unit to the Administrative Protective Order (“APO”) Unit, and to change the name of the APO Unit to APO/Dockets Unit; (2) to reflect a transfer in the function of maintaining public service lists from the Central Records Unit to the APO/Dockets Unit; (3) to update the definition of “Customs Service” to

reflect the reorganization of the Executive Branch; (4) to clarify that documents filed with the Department will only be time stamped when appropriate, for example, when an interested party submits a request for treatment as a voluntary respondent; (5) to clarify when a part must serve business proprietary information already on the administrative record to new authorized applicants to the APO; (6) to require a formal letter of appearance to request being placed on the service list of any segment of an AD/CVD proceeding; (7) to clarify when a party is to be considered an “interested party” for the purposes of the APO; and (8) to require importers to submit documentary evidence to confirm their status as an interested party, and thus eligibility for APO access. Finally, the Department proposes amending its short form application for an APO (Form ITA-367).

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/07	72 FR 680
NPRM Comment Period End	02/28/07	
Final Action	04/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For Public Comments:**

www.trades.gov/ia

**Agency Contact:** William J. Kovatch, Senior Attorney, Department of Commerce, International Trade Administration, 1401 Constitution Avenue NW., Room 3622, Washington, DC 20230

Phone: 202 482-5052

Fax: 202-482-4912

Email: william.kovatch@mail.doc.gov

RIN: 0625-AA73

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

## Long-Term Actions

### 311. COMMERCIAL AVAILABILITY OF FABRIC AND YARN

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 345

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Janet Heinzen

Phone: 202 482-4006

Email: janet\_heinzen@ita.doc.gov

RIN: 0625-AA59

**Department of Commerce (DOC)**  
**International Trade Administration (ITA)**
**Completed Actions**
**312. MEXICAN CEMENT IMPORT LICENSING SYSTEM**
**Priority:** Other Significant**Legal Authority:** 13 USC 5301(a); 13 USC 302**CFR Citation:** 15 CFR 361**Legal Deadline:** None

**Abstract:** The Department of Commerce (Commerce) amends its regulations to establish a Mexican Cement Import Licensing System in accordance with the Agreement Between the Office of the United States Trade Representative and the United States Department of Commerce and Secretaria de Economia on Trade in Cement (Agreement) which was executed in March 2006. This cement licensing system is intended to enable Commerce to monitor compliance with the sub-regional export limits established by the Agreement for the three-year duration of the Agreement.

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/06	71 FR 30836

Action	Date	FR Cite
NPRM Comment Period End	06/30/06	
Final Action	03/06/07	72 FR 10006
Final Action Effective	04/05/07	

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

**Agency Contact:** Scott McBride, Department of Commerce, International Trade Administration, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
 Phone: 202 482-6292  
 Fax: 202 482-4912  
 Email: scott\_mcbride@ita.doc.gov

**RIN:** 0625-AA70
**313. PROCEDURES FOR IMPORTATION OF SUPPLIES FOR USE IN EMERGENCY RELIEF WORK**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 1318(a)**CFR Citation:** 19 CFR 358**Legal Deadline:** None

**Abstract:** The Department of Commerce amends its regulations to establish procedures for importation of supplies free of antidumping or countervailing duties if those supplies are to be used in emergency relief work, as authorized under section 318(a) of the Tariff Act of 1930, as amended (19 U.S.C. section 1318(a)).

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/06	71 FR 35846
Final Action	10/30/06	71 FR 63230

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

**Agency Contact:** Stacy Ettinger, Attorney, Department of Commerce, International Trade Administration, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
 Phone: 202 482-4618

**RIN:** 0625-AA71
**Department of Commerce (DOC)**  
**Bureau of Industry and Security (BIS)**
**Prerule Stage**
**314. AUTOMATED EXPORT SYSTEM AND SHIPPERS EXPORT DECLARATION—REQUIREMENT TO SHOW PARAGRAPHS IN EXPORT CONTROL CLASSIFICATION NUMBERS**
**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; EO 13222**CFR Citation:** 15 CFR 758**Legal Deadline:** None

**Abstract:** The Export Administration Regulations currently require that the Export Control Classification Number (ECCN) be entered for certain exports from the United States. The lists of items in some ECCNs is further broken down by paragraphs that describe the items covered by that ECCN with

greater precision. In some instances, the export license requirements, availability of license exceptions and license application review policy are affected by that paragraph designation. BIS is considering requiring that paragraph designations be included in the ECCN field on Automated Export System entries and on paper Shipper's Export Declarations. Requiring that additional information would, in some transactions, allow BIS to determine more quickly the accuracy of a claimed use of authority to ship without a license or pursuant to an license exception. In addition, this information would enable BIS to target its end use checks of exports more effectively because it could select items of the greatest significance without extensive follow-up information from the exporter. By taking advantage of the

additional information, BIS could make more effective use of its limited enforcement resources.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/00/07	

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

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

**RIN:** 0694-AD89

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

**Proposed Rule Stage**

**315. ADDITIONAL PROTOCOL REGULATIONS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

In the aftermath of the 1991 Persian Gulf War, international inspectors determined that Iraq had been engaged in a clandestine nuclear weapons development program at locations not directly subject to International Atomic Energy Agency (IAEA) safeguards. The international community determined that the safeguards system needed to be strengthened and negotiated a model Additional Protocol to amend existing bilateral safeguards agreements. The model Additional Protocol requires enhanced information collection and access to provide IAEA inspectors with greater ability to detect clandestine nuclear activities in non-nuclear weapons states (NNWS), and covers almost all of a state's nuclear fuel cycle. The United States, as a nuclear weapons state (NWS) party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), is not obligated to accept IAEA safeguards on its nuclear activities. However, the United States voluntarily signed the U.S. Additional Protocol on June 12, 1998. In this U.S. Additional Protocol, the United States accepts all of the measures of the Model Protocol, except where their application would result in access by the IAEA to activities with direct national security significance to the United States or to locations or information associated with such activities. By submitting itself to the same safeguards on all of its civil nuclear activities that NNWS are subject to (except those of national

security significance), the United States intends to demonstrate that adherence to the model Additional Protocol does not place other countries at a commercial disadvantage.

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Email: wfisher@bis.doc.gov

**Related RIN:** Related to 0694-AD27

**RIN:** 0694-AD26

**316. CONFORMING CHANGES TO CERTAIN END-USER/END-USE BASED CONTROLS IN THE EAR; CLARIFICATION OF THE TERM TRANSFER AND RELATED TERMS AS USED IN THE EAR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 22 USC 2151 (note), PL 108-175; 22 USC 3201 et seq; 42 USC 2139a; 50 USC 1701 et seq; 50 USC app 2401 et seq; EO 12058; EO 12851; EO 12938; EO 12947; EO 13020; EO 13026; EO 13099; EO 13222; EO 13224; EO 13338; PL 106-387; PL 107-56

**CFR Citation:** 15 CFR 736; 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 748; 15 CFR 752; 15 CFR 760; 15 CFR 772

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) proposes to amend the Export Administration Regulations (EAR) by making conforming changes in certain end-user/end-use controls in the EAR to ensure that the terminology used to describe each type of end-user/end-use control is consistent, to the fullest extent possible, with the terminology in other such controls in the EAR. The proposed amendments would clarify that a party cannot proceed with an export, reexport, or transfer (in-country) that is in transit at the time the party is informed by BIS that a license is required (in accordance with certain end-user/end-use controls in the EAR), unless that party first obtains a license from BIS authorizing the completion of the transaction. These proposed changes to part 744 are intended to enhance the ability of BIS to stop items subject to the EAR, including items not on the Commerce Control List, from being exported, reexported or transferred (in-country) when there is an unacceptable risk that such items will be used in, or diverted to, any of the proliferation activities specified in sections 744.2, 744.3, 744.4 and 744.6 of the EAR. This rule also proposes to amend the EAR by revising the definition of the term transfer and certain related terms, to provide greater clarity regarding these provisions.

## DOC—BIS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
Proposed Rule	05/00/07	

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

**Agency Contact:** Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Mail Stop 2705, Washington, DC 20230

Phone: 202 482-2440

Email: tmooney@bis.doc.gov

**RIN:** 0694-AD59

### 317. AUTHORIZATION TO IMPOSE LICENSE REQUIREMENTS FOR EXPORTS AND REEXPORTS TO ENTITIES ACTING CONTRARY TO THE UNITED STATES' NATIONAL SECURITY OR FOREIGN POLICY INTERESTS

**Priority:** Other Significant

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

**CFR Citation:** 15 CFR 744; 15 CFR 756**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) amends its regulations to expand the scope of reasons for which BIS may add names to the Entity List and makes changes to the Entity List appealable to the Under Secretary for Industry and Security pursuant to part 756 of the EAR. This rule revises section 744.20 to authorize BIS to add to the Entity List entities that BIS has reasonable cause to believe, based on specific and articulable facts, are or have been involved in activities that are contrary to the national security or foreign policy interests of the United States or to those acting on behalf of such entities.

With this rule, the United States government will be able to conduct prior review of proposed exports and reexports to such recipients to the degree necessary to protect its interests. BIS will be able to tailor license requirements and availability of license exceptions for exports and reexports to parties who have taken or who are taking actions that are contrary to United States national security or foreign policy interests without imposing additional license requirements that apply broadly to entire destinations or items. BIS believes that such selective application of license requirements and exceptions will provide the flexibility to deter use of items that are subject to the EAR in ways that are inimical to the interests of the United States with minimal costs to and disruption of legitimate trade.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

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

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: warvin@bis.doc.gov

**RIN:** 0694-AD82

### 318. • MANDATORY ELECTRONIC FILING OF EXPORT AND REEXPORT LICENSE APPLICATIONS, CLASSIFICATION REQUESTS, ENCRYPTION REVIEW REQUESTS AND NOTIFICATIONS, AND LICENSE EXCEPTION AGR NOTIFICATIONS

**Priority:** Other Significant

**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201

et seq; 42 USC 2139a; PL 106-387; PL 107-56; PL 108-11; EO 12058; EO 12851; EO 12983; EO 13206; EO 13222

**CFR Citation:** 15 CFR 740; 15 CFR 742; 15 CFR 748; 15 CFR 754; 15 CFR 764; 15 CFR 772

**Legal Deadline:** None

**Abstract:** This rule would require that export and reexport license applications, classification requests, encryption review requests, License Exception AGR notifications and related documents be submitted to the Bureau of Industry and Security (BIS) via its Simplified Network Application Process (SNAP-R) system. This requirement would not apply to applications for Special Comprehensive Licenses, submissions made through BIS's Electronic License Application Information Network (ELAIN) or certain situations in which BIS would authorize paper submissions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

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

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: warvin@bis.doc.gov

**RIN:** 0694-AD94

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

**Final Rule Stage**

**319. LICENSE EXCEPTION AVS:  
 CLARIFICATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 740

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to clarify the scope of certain License Exception AVS provisions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AC33

**320. ADMINISTRATIVE ACTION  
 PROVIDING FOR ORDER TO STOP  
 SPECIFIC EXPORTS OR REEXPORTS  
 OTHERWISE ELIGIBLE UNDER  
 DESIGNATION NLR**

**Priority:** Other Significant

**Legal Authority:** 10 USC 7420; 10 USC 7430(e); 22 USC 2151 (note), PL 108-175; 22 USC 287c; 22 USC 3201 et seq.; 22 USC 6004; 30 USC 185(s), 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app. 466c; 50 USC 1701 et seq.; 50 USC app. 2401 et seq.; 50 USC app. 5; EO 12938; EO 13020; EO 13026; EO 13222; EO 13338; PL 106-387; PL 107-56; PL 108-11

**CFR Citation:** 15 CFR 732; 15 CFR 736; 15 CFR 738; 15 CFR 740; 15 CFR 748; 15 CFR 750; 15 CFR 758; 15 CFR 764

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by adding a new revocation and

suspension order to part 750. This revocation and suspension order clarifies the authority of BIS to issue an order informing any person that a license is required for the export, reexport, or transfer (in-country) of a specific item or items subject to the EAR to a specific destination and/or consignee (ultimate or intermediate), that would otherwise be eligible for export, reexport or transfer (in-country) under designation NLR, when BIS has reasonable grounds to believe a violation of the EAR has occurred, is about to occur, or is intended to occur in connection with the export, reexport or transfer (in-country) in question. This rule also consolidates in that same section in part 750 the related administrative measure for the revision, suspension or revocation of license exceptions that was formerly in section 740.2(b). In that same section of part 750, this rule clarifies that BIS may suspend, revise or revoke a license for certain non-enforcement related reasons (e.g. administrative or procedural error). This rule also clarifies several provisions of the EAR to indicate that "No License Required" is not an authorization to export, but a designation that an export or reexport does not require a license from BIS.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
 Phone: 202 482-3371  
 Email: tmooney@bis.doc.gov

**RIN:** 0694-AC47

**321. CHEMICAL WEAPONS  
 CONVENTION REGULATIONS: UDOC  
 "CHANGE IN INSPECTION STATUS  
 FORM"**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 22 USC 6701; EO 13128

**CFR Citation:** 15 CFR 715; 15 CFR 716

**Legal Deadline:** None

**Abstract:** This rule would amend the Chemical Weapons Convention

Regulations (CWCR) to expedite the collection of information concerning the inspection status of plant sites that produce unscheduled discrete organic chemicals (UDOCs) subject to the declaration requirements of the CWCR. The CWCR include requirements to report certain activities, involving scheduled chemicals and unscheduled discrete organic chemicals (UDOCs), and to provide access for on-site verification by international inspectors of certain facilities and locations in the United States. Specifically, this rule would amend the CWCR by revising the annual declaration requirements for UDOCs to permit a "declared" plant site currently subject to inspection, which anticipates that its production of UDOCs during the current calendar year will be below the inspection threshold level indicated in the CWCR, to submit a "Change in Inspection Status Form" to BIS by December 15th of the current calendar year. The information provided to BIS by this new form would ensure that the plant site would not be subject to inspection during the first 90 days of the next calendar year, which is the period when the United States compiles its annual declaration on past activities for submission to the Organization for the Prohibition of Chemical Weapons (OPCW). Any such plant site containing at least one plant that anticipates producing an individual PSF chemical (i.e., a UDOC containing the elements phosphorus, sulfur, or fluorine), in quantities that exceed the declaration threshold for such chemicals, will have the option of submitting its "Annual Declaration on Past Activities," in lieu of a "Change in Inspection Status Form," by December 15th of the current calendar year; otherwise, the CWCR require that the "Annual Declaration on Past Activities" be submitted by February 28th of the following year. This rule would create an expedited mechanism for determining which UDOC plant sites would be subject to inspection, thereby allowing the United States to notify the OPCW concerning the inspection status of UDOC plant sites prior to the submission of the U.S. declaration to the OPCW and enabling the OPCW to schedule inspections of UDOC facilities in the United States on a year-round basis.

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/06	71 FR 59032

## DOC—BIS

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	11/06/06	
Final Action	04/00/07	

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

**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: wfisher@bis.doc.gov  
**RIN:** 0694-AD53

**322. TECHNICAL AMENDMENTS TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 2151; PL 108-175; EO 12938; EO 13020; EO 13026; EO 13222; EO 13338**CFR Citation:** 15 CFR 732; 15 CFR 736; 15 CFR 740; 15 CFR 746; 15 CFR 748; 15 CFR 774**Legal Deadline:** None

**Abstract:** This Bureau of Industry and Security (BIS) amends its regulations to remove an obsolete in-transit license requirement, makes BIS policy regarding certain exceptions to export and reexport license requirements more explicit, corrects some omissions in two sections that summarize license requirements regarding Iran, clarifies support document requirements regarding the People's Republic of China, removes two instances of two ECCN's applying to a single commodity, conforms some software and technology Export Control Classification Numbers (ECCNs) more closely to their related commodity ECCNs and makes technical changes.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/07	

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

**Agency Contact:** William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: warvin@bis.doc.gov  
**RIN:** 0694-AD54

**323. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 18 USC 2510 et seq; 22 USC 3201 et seq; 50 USC app 5; PL 106-387; PL 107-56; PL 108-11; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222; 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 22 USC 287c; 22 USC 6004; 30 USC 185(s); 30 USC 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c;**CFR Citation:** 15 CFR 742; 15 CFR 748; 15 CFR 774**Legal Deadline:** None

**Abstract:** This rule removes reference to "Advisory Notes" from the Export Administration Regulations (EAR). This rule also removes the Advisory Note from the entry on the Commerce Control List (CCL) that controls specialized machinery, equipment, gear, and specially designed parts and for the examination, manufacture, testing, and checking of arms, appliances, machines, and implements of war. In addition, it revises License Exceptions GBS and CIV in that CCL entry to include certain equipment used to determine the safety data of explosives. Finally, it revises certain ECCN headings to reflect the current name of the Wassenaar Arrangement Munitions List.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/07	

**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 & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440

Fax: 202 482-3355  
Email: warvin@bis.doc.gov  
**RIN:** 0694-AD55

**324. IMPLEMENTATION OF THE UNDERSTANDINGS REACHED AT THE 2004 GOTEBOG AND 2005 OSLO NUCLEAR SUPPLIER GROUP (NSG) PLENARY MEETINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app. 2401 et seq.; 50 USC 1701 et seq.; 18 USC 2510 et seq.; 22 USC 3201 et seq.; 42 USC 2139a; PL 106-387; PL 107-56; PL 108-11; EO 12058; EO 12851; EO 1293 ; EO 13026; EO 13222**CFR Citation:** 15 CFR 742 ; 15 CFR 772 ; 15 CFR 774**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is publishing this rule to amend the Export Administration Regulations (EAR) to implement the understandings reached at the 2004 Goteborg and 2005 Oslo Nuclear Supplier Group (NSG) Plenary Meetings.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/07	

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

**Agency Contact:** Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230  
Phone: 202 482-3451  
Fax: 202 482-3355  
Email: jlynch@bis.doc.gov  
**RIN:** 0694-AD58

**325. VOLUNTARY DISCLOSURE PROVISIONS AND ADMINISTRATIVE CASE SETTLEMENT GUIDANCE RELATED TO RESTRICTIVE TRADE PRACTICES OR BOYCOTTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; EO 13222**CFR Citation:** 15 CFR 764; 15 CFR 766**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) amends its regulations to

DOC—BIS

Final Rule Stage

set forth procedures for making voluntary self disclosures of violations of part 760 of the Export Administration Regulations (Restrictive Trade Practices or Boycotts) and related recordkeeping violations (collectively referred to as antiboycott violations). This rule also provides guidance about BIS typically exercises its discretion regarding whether to pursue an administrative case regarding antiboycott violations, and what administrative sanctions to seek in settling such a case.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/06	71 FR 37517
Correction	07/06/06	71 FR 38321
NPRM Comment Period End	08/29/06	
Final Action	04/00/07	

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

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

**RIN:** 0694-AD63

### 326. REVISIONS TO LICENSE REQUIREMENTS FOR CERTAIN THERMAL IMAGING CAMERAS INCORPORATING FOCAL PLANE ARRAYS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 742; 15 CFR 744**Legal Deadline:** None

**Abstract:** This Bureau of Industry and Security (BIS) amends its regulations to remove the regional stability reason for control from certain thermal imaging cameras that incorporate focal plane arrays and the regional stability reason for control for other such cameras. This rule describes the cameras affected by this change in terms of performance level measured by frame rate and pixel

count. These reductions in unilateral U.S. license requirements for exports and reexports of certain thermal imaging cameras are warranted by increased foreign production of cameras with performance capabilities equal to or better than the cameras affected by this rule.

BIS has concluded that these circumstances warrant a limited revision, based on performance level, of regional stability controls on thermal imaging cameras that incorporate focal plane arrays. Accordingly, this rule removes regional stability as a reason for control from certain relatively lower performance level cameras and replaces the RS1 reason for control with an RS2 reason for control for certain higher performance level cameras. This rule retains the RS1 reason for control for cameras with high levels of performance. These revised licensing requirements remove the license requirement for exports and reexports of certain thermal imaging cameras to regions that already produce thermal imaging cameras in significant volumes or can readily obtain such cameras from other countries without an export license.

**Timetable:**

Action	Date	FR Cite
Final Rule	08/00/07	

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

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

**RIN:** 0694-AD71

### 327. REVISIONS TO LICENSE EXCEPTIONS TMP AND BAG: EXPANSION OF ELIGIBLE ITEMS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 740**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export

Administration Regulations (EAR), to clarify the scope of the tools of trade provisions of License Exceptions TMP and BAG.

**Timetable:**

Action	Date	FR Cite
Final Action	04/30/07	

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

**Agency Contact:** Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Mail Stop 2705, Washington, DC 20230  
Phone: 202 482-2440  
Email: tmooney@bis.doc.gov

**RIN:** 0694-AD72

### 328. REVISIONS AND CLARIFICATION OF EXPORT AND REEXPORT CONTROLS FOR THE PEOPLE'S REPUBLIC OF CHINA (PRC); NEW AUTHORIZATION VALIDATED END-USER; REVISION OF IMPORT AND END-USER CERTIFICATE REQUIREMENT

**Priority:** Other Significant

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

**CFR Citation:** 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 748; 15 CFR 772;

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by revising and clarifying United States policy on exports and reexports of goods and technology to the People's Republic of China (PRC). The amendments include a new military end-use control on certain items on the CCL to the PRC; a revision of the End-User Certificate Requirement for other than national security reasons to the PRC; and the creation of a new authorization and procedure for validated end-users.

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/06	71 FR 38313
NPRM Comment Period End	11/03/06	71 FR 61692
Interim Final Rule	05/00/07	



## DOC—BIS

## Final Rule Stage

**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 & Pennsylvania Avenue NW., HCHB Room 2092, Washington, DC 20230

Phone: 202 482-2440

Email: squarter@bis.doc.gov

**RIN:** 0694-AD75**329. REVISION TO GENERAL RESTRICTION ON ALL LICENSE EXCEPTIONS: AVAILABILITY OF CERTAIN LICENSE EXCEPTIONS FOR LIGHTWEIGHT AIRCRAFT ENGINES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 50 USC app 2401 et seq ; 50 USC 1701 et seq ; PL 106-387; EO 13026; EO 13222**CFR Citation:** 15 CFR 740**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security amends the general restriction on using license exceptions for MT controlled items, by adding one additional Export Control Classification Number (ECCN) 9A101.a to the list of ECCNs for which certain license exceptions are available. Specifically, that the commodities described in ECCN 9A101.a, may be exported as part of a manned aircraft, land vehicle or marine vehicle or in quantities appropriate for replacement parts for such applications under section 740.9(a)(2)(ii) (License Exception TMP for kits consisting of replacement parts), section 740.10 (License Exception RPL), or section 740.15(c) (License Exception AVS for equipment and spare parts for permanent use on an aircraft).**Timetable:**

Action	Date	FR Cite
Final Action	05/25/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue

NW., Mail Stop 2705, Washington, DC 20230

Phone: 202 482-2440

Email: tmooney@bis.doc.gov

**RIN:** 0694-AD80**330. REVISED EXPORT LICENSE APPLICATION REVIEW POLICY AND END USE VERIFICATION POLICY TO IMPLEMENT THE JULY 2006 RECOMMENDATIONS OF THE COMMISSION FOR ASSISTANCE TO A FREE CUBA****Priority:** Other Significant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 287c; PL 108-11; PL 106-387; EO 12854; EO 12918; EO 13222**CFR Citation:** 15 CFR 746**Legal Deadline:** None**Abstract:** This rule revises export and reexport license application review policy toward Cuba with respect to vessels and aircraft on temporary sojourn, and medical devices and medical equipment. It also makes clear that licenses for export or reexport of medical devices, medical equipment, and certain aircraft on temporary sojourn to Cuba will be issued with conditions imposing verification and reporting requirements. This rule implements recommendations and policy objectives of section VI of the July 2006 report to the president of the Commission for Assistance to a Free Cuba.

Section VI of that report addressed the topic of denying revenue to the Castro regime and emphasized the need to maintain economic pressure on the regime. Generally, the changes made by this rule favor the use of regular commercial carriers to carry lawful exports and travelers to Cuba as opposed to non-commercial aircraft or boats in order to limit the landing, docking, or other fees that the Cuban government can collect. The verification and reporting requirements that will be imposed by licenses for medical devices and equipment are to make sure that such devices and equipment are used for the benefit of the Cuban people.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482-2440

Fax: 202 482-3355

Email: warvin@bis.doc.gov

**RIN:** 0694-AD87**331. • EXPANDED LICENSING JURISDICTION FOR QRS11 MICROMACHINED ANGULAR RATE SENSOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s); 30 USC 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106-387; PL 107-56; EO 13026; EO 13222**CFR Citation:** 15 CFR 734; 15 CFR 774**Legal Deadline:** None**Abstract:** This rule implements the transfer of licensing jurisdiction to the Bureau of Industry and Security of QRS11-00100-100/101 micromachined angular rate sensors when those sensors are integrated into primary instrument system for use on civil aircraft, or exported solely for integration into such a system or when such sensors are embedded in a gyro-stabilized camera system prior to export. Licensing jurisdiction for such sensors when integrated into and included as part of a commercial standby instrument system of the type described in ECCN 7A991 or an aircraft or the type described in ECCN 9A991 was transferred to the Bureau of Industry and Security in February 2004 and those transactions continue to be subject to BIS licensing jurisdiction. All other exports and reexports of QRS11-00100-100/101 micromachined angular rate sensors are subject to the licensing jurisdiction of the Department of State, Directorate of Defense Trade Controls.**Timetable:**

Action	Date	FR Cite
Final Rule	06/00/07	

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

DOC—BIS

Final Rule Stage

**Government Levels Affected:** None

**Agency Contact:** Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
 Phone: 202 482-2440  
 Fax: 202 482-3355  
 Email: hhess@bis.doc.gov

**RIN:** 0694-AD92

**332. • DECEMBER 2006 WASSENAAR ARRANGEMENT PLENARY AGREEMENT IMPLEMENTATION: CCL CATS. 1, 2, 3, 5 PT. 1, 6, 7, 8, AND 9; WASSENAAR REPORT REQ'MTS.; DEFINITIONS; AND STATMTS. OF UNDERSTANDING ON SOURCE CODE**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; 10 USC 7420; EO 13026;**CFR Citation:** 15 CFR 742; 15 CFR 743; 15 CFR 744; 15 CFR 772;**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 the Export Administration Regulations (EAR) to implement changes made to the Wassenaar Arrangement's List of Dual Use Goods and Technologies (Wassenaar List), and Statements of Understanding 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, or WA.) The Wassenaar Arrangement advocates implementation of effective export controls on strategic items with the objective of improving regional and international security and stability. To harmonize with the changes to the Wassenaar List, this rule revises the EAR by amending certain entries that are controlled for national security reasons in Categories 1, 2, 3, 5 Part I (telecommunications), 6, 7, 8, and 9; and adding new entries to the Commerce Control List (CCL), amending EAR Definitions and reporting requirements, as well as adding new definitions and reporting requirements to the EAR, and adding a new Statement of Understanding on source code.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/07	

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

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

**RIN:** 0694-AD95

**333. • REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON THE 2006 MISSILE TECHNOLOGY CONTROL REGIME PLENARY AGREEMENTS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 7420; 10 USC 7430(e); 22 USC 287c, 22 USC 3201 et seq. ; 30 USC 185(s), 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC 1701 et seq; 50 USC app 2401 et seq; 50 USC app 5; EO 13026; EO 13222; PL 106-387; PL 107-56**CFR Citation:** 15 CFR 772; 15 CFR 774**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to reflect changes to the Missile Technology Control Regime (MTCR) Annex that were agreed to by MTCR member countries at the October 2006 Plenary in Copenhagen, Denmark. The amendments set forth in this rule include adding a new Export Control Classification Number (ECCN) 7A107 to control three axis magnetic heading sensors designed to be modified with flight control and navigation systems.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/07	

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

**Agency Contact:** Timothy Mooney, Export Policy Analyst, Department of

Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Mail Stop 2705, Washington, DC 20230

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

**RIN:** 0694-AD96

**334. • CORRECTIONS TO RULE THAT IMPLEMENTED THE NEW FORMULA FOR CALCULATING COMPUTER PERFORMANCE: ADJUSTED PEAK PERFORMANCE (APP) IN WEIGHTED TERAFLOPS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; EO 13222;**CFR Citation:** 15 CFR 740; 15 CFR 774**Legal Deadline:** None

**Abstract:** This rule corrects errors that were published on April 24, 2006, in the rule that implemented the new formula for calculating computer performance in Weighted TeraFLOPS (71 FR 20876). These errors include references to Missile Technology controls that were removed by the April 24, 2006 rule, as well as errors related to scope of controls and license exceptions described in Export Control Classification Numbers (ECCNs) 4A003, 4D001, and 4E001.

**Timetable:**

Action	Date	FR Cite
Correction	04/00/07	

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

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

**Related RIN:** Related to 0694-AD66**RIN:** 0694-AD98

## DOC—BIS

## Final Rule Stage

**335. • AMENDMENT TO GENERAL ORDER NO. 3: ADDITION OF CERTAIN PERSONS AND EXPANSION OF CRITERIA FOR PLACING PERSONS ON THE GENERAL ORDER****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 2151 (note), PL 108–175; EO 12938; EO 13020; EO 13026; EO 13222; EO 13338**CFR Citation:** 15 CFR 736**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security (BIS) is revising the Export Administration Regulations (EAR) to add certain persons to General Order No. 3, published in the Federal Register on June 5, 2006 and later amended on September 6, 2006.**Timetable:**

Action	Date	FR Cite
Final Action	04/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue

NW., Mail Stop 2705, Washington, DC 20230

Phone: 202 482–2440

Email: tmooney@bis.doc.gov

**RIN:** 0694–AD99**336. • REVISIONS AND TECHNICAL CORRECTION TO THE EXPORT ADMINISTRATION REGULATIONS****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(e); 22 USC 287c; 22 USC 2151 note, PL 108–175; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s), 30 USC 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106–387; PL 107–56; EO 11912; EO 12002; EO 12058; EO 12214; EO 12851; EO 12854; EO 12918; EO 12938; EO 12947; EO 12981; EO 13020; EO 13026; EO 13099; EO 13222; EO 13224; EO 13338; PL 108–11**CFR Citation:** 15 CFR 730; 15 CFR 732; 15 CFR 742; 15 CFR 746; 15 CFR 774**Legal Deadline:** None**Abstract:** This rule amends the Export Administration Regulations (EAR) by making a technical correction to the

contact information for the Drug Enforcement Administration. In addition, this rule amends the EAR by making corrections to three rules recently published in the Federal Register: (1) the August 31, 2006, final rule implementing the rescission of Libya's designation as a state sponsor of terrorism; (2) the November 20, 2006, final rule imposing foreign policy controls on surreptitious communications intercepting devices; and (3) the January 26, 2007, final rule imposing restrictions on exports and reexports of luxury goods to the Democratic People's Republic of Korea (North Korea).

**Timetable:**

Action	Date	FR Cite
Final Rule	04/00/07	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Steven Emme, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue, NW, Washington, DC 20230  
Phone: 202 482–4159  
Email: semme@bis.doc.gov**RIN:** 0694–AE00**Department of Commerce (DOC)  
Bureau of Industry and Security (BIS)**

## Long-Term Actions

**337. EXPORT ADMINISTRATION REGULATIONS: SUPPORT DOCUMENTATION CONSOLIDATION AND REORGANIZATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748;**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Agency Contact:** Timothy Mooney  
Phone: 202 482–2440  
Email: tmooney@bis.doc.gov**RIN:** 0694–AC04**338. EXPORTS AND REEXPORTS TO SUDAN****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 732; 15 CFR 738; 15 CFR 742; 15 CFR 746; 15 CFR 774**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** William Arvin  
Phone: 202 482–2440  
Fax: 202 482–3355  
Email: warvin@bis.doc.gov**RIN:** 0694–AC05**339. EXPANSION OF LICENSE EXCEPTION GOV; EXPORTS AND REEXPORTS TO INTERNATIONAL ORGANIZATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 774**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman  
Phone: 202 482–2440  
Email: squarter@bis.doc.gov**RIN:** 0694–AC15

## DOC—BIS

## Long-Term Actions

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

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bis.doc.gov

**RIN:** 0694-AC17**341. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748 ; 15 CFR 750**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bis.doc.gov

**RIN:** 0694-AC23**342. SHORT SUPPLY CONTROLS: CRUDE OIL EXPORTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 750; 15 CFR 754**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Willard Fisher

Phone: 202 482-2440

Fax: 202 482-3355

Email: wfisher@bis.doc.gov

**RIN:** 0694-AC25**343. CLARIFICATIONS TO PART 752: SPECIAL COMPREHENSIVE LICENSE REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 700 to 799**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Willard Fisher

Phone: 202 482-2440

Fax: 202 482-3355

Email: wfisher@bis.doc.gov

**RIN:** 0694-AC34**344. CHEMICAL WEAPONS CONVENTION: REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 700 to 799**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Willard Fisher

Phone: 202 482-2440

Fax: 202 482-3355

Email: wfisher@bis.doc.gov

**RIN:** 0694-AC35**345. IMPOSITION OF LICENSE REQUIREMENT FOR EXPORTS AND REEXPORTS OF MISSILE-TECHNOLOGY-(MT) CONTROLLED ITEMS TO CANADA****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 15 CFR 738; 15 CFR 742**Timetable:**

Action	Date	FR Cite
ANPRM	12/20/01	66 FR 65666
NPRM	05/24/05	70 FR 29660
Comment Period End	06/23/05	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William Arvin

Phone: 202 482-2440

Fax: 202 482-3355

Email: warvin@bis.doc.gov

**RIN:** 0694-AC48**346. REVISIONS OF AIRCRAFT EXPORT LICENSING JURISDICTION BASED ON REVIEW OF THE U.S. MUNITIONS LIST****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748; 15 CFR 774**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** William Arvin

Phone: 202 482-2440

Fax: 202 482-3355

Email: warvin@bis.doc.gov

**RIN:** 0694-AC74**347. EXPORT AND REEXPORT CONTROLS ON IRAQ****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 732; 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 746; 15 CFR 750; 15 CFR 752; 15 CFR 758; 15 CFR 762; 15 CFR 774**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/30/04	69 FR 46060
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman

Phone: 202 482-2440

Email: squarter@bis.doc.gov

**RIN:** 0694-AC84**348. CLARIFICATION OF "SPACE-QUALIFIED" PARTS, COMPONENTS, AND TECHNOLOGY SUBJECT TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 744

## DOC—BIS

## Long-Term Actions

**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:** Jeffery Lynch

Phone: 202 482-3451

Fax: 202 482-3355

Email: jlynch@bis.doc.gov

RIN: 0694-AD07

**349. EXPORT ADMINISTRATION REGULATIONS: REMOVAL OF COUNTRY GROUPS**

Priority: Substantive, Nonsignificant

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected: None

**Agency Contact:** Sharron Cook

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bis.doc.gov

RIN: 0694-AD09

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

Priority: Other Significant

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Sheila Quarterman

Phone: 202 482-2440

Email: squarter@bis.doc.gov

RIN: 0694-AD10

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

Priority: Substantive, Nonsignificant

**CFR Citation:** 15 CFR 740**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Willard Fisher

Phone: 202 482-2440

Fax: 202 482-3355

Email: wfisher@bis.doc.gov

Related RIN: Related to 0694-AD26

RIN: 0694-AD27

**352. REMOVAL OF LICENSE EXCEPTION GBS AND TSR ELIGIBILITY FOR CERTAIN MICROWAVE MONOLITHIC INTEGRATED CIRCUIT POWER AMPLIFIERS AND RELATED SOFTWARE AND TECHNOLOGY**

Priority: Substantive, Nonsignificant

**CFR Citation:** 15 CFR 774**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Jeffery Lynch

Phone: 202 482-3451

Fax: 202 482-3355

Email: jlynch@bis.doc.gov

RIN: 0694-AD36

**353. ESTABLISHMENT OF NEW LICENSE EXCEPTION FOR THE EXPORT OR REEXPORT TO LIBYA OF CERTAIN ITEMS CONTROLLED FOR ANTI-TERRORISM REASONS ON THE COMMERCE CONTROL LIST**

Priority: Other Significant

**CFR Citation:** 15 CFR 740; 15 CFR 742; 15 CFR 772; 15 CFR 774

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/16/05	70 FR 69432
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Sheila Quarterman

Phone: 202 482-2440

Email: squarter@bis.doc.gov

Related RIN: Related to 0694-AD14

RIN: 0694-AD57

**354. REVISIONS TO THE DPAS REGULATION AND ASSOCIATED NOTICES**

Priority: Substantive, Nonsignificant

**CFR Citation:** 15 CFR 700**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

**Agency Contact:** Michael J. Vacarro

Phone: 202 482-8232

Fax: 202 482-5650

Email: mvaccaro@bis.doc.gov

RIN: 0694-AD69

**355. IMPLEMENTATION IN THE EXPORT ADMINISTRATION REGULATIONS OF THE UNITED STATES' RESCISSION OF LIBYA'S DESIGNATION AS A STATE SPONSOR OF TERRORISM AND REVISIONS APPLICABLE TO IRAQ**

Priority: Substantive, Nonsignificant

**CFR Citation:** 15 CFR 734; 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 746; 15 CFR 748; 15 CFR 750; 15 CFR 752; 15 CFR 764; 15 CFR 772; 15 CFR 774

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/31/06	71 FR 51714
Interim Final Rule Comment Period End	10/02/06	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

## DOC—BIS

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD81

**356. • COUNTRY GROUP C:  
DESTINATIONS OF DIVERSION  
CONCERN**

**Priority:** Other Significant

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

**CFR Citation:** 15 CFR 740

**Legal Deadline:** None

**Abstract:** The Department of Commerce's Bureau of Industry and Security (BIS) is considering amendments to the Export Administration Regulations (EAR) to further the national security interests of the United States by designating Country Group C for countries that are "Destinations of Diversion Concern." This amendment would establish license requirements for exports and reexports to countries that represent a concern for the diversion of items subject to the EAR.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/23/07	72 FR 8315

Action	Date	FR Cite
ANPRM Comment Period End	03/12/07	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD93

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

**Completed Actions**

**357. 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; 10 USC 7420; 10 USC 7430(e); 22 USC 2151; 22 USC 287; PL 108-175; 22 USC 3201; 22 USC 6004; 30 USC 185(s), 185(u); 42 USC 2139(a); 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106-387; PL 107-56; EO 11912; EO 12002; EO 12058; EO 12214; EO 12851; EO 12854; EO 12918; EO 12947; EO 12981; EO 13020; EO 13099; EO 13224; EO 13224

**CFR Citation:** 15 CFR 730; 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	11/20/06	71 FR 67034

**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 & Pennsylvania Avenue NW., HCHB Room 2092, Washington, DC 20230  
Phone: 202 482-2440  
Email: squarter@bis.doc.gov

**Related RIN:** Related to 0694-AB41

**RIN:** 0694-AC82

**358. REVISIONS AND CLARIFICATION  
OF LICENSE EXCEPTION  
AVAILABILITY, LICENSE  
REQUIREMENTS AND LICENSING  
POLICY FOR CERTAIN CRIME  
CONTROL ITEMS**

**Priority:** Substantive, Nonsignificant

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

108-11; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

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

**Legal Deadline:** None

**Abstract:** This rule removes a geographic restriction to allow use of License Exception GOV for shipments consigned to and for the official use by U.S. Government agencies of crime control items to all destinations. This rule also clarifies and strengthens those geographic restrictions for License Exceptions generally. This rule clarifies the distinction between crime control items and specially designed implements of torture.

**Timetable:**

Action	Date	FR Cite
Final Action	03/06/07	72 FR 9847

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD47

## DOC—BIS

## Completed Actions

**359. CLARIFICATION OF LICENSING REQUIREMENTS FOR CERTAIN PHOTOVOLTAIC ARRAYS AND RELATED SOFTWARE AND TECHNOLOGY****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2510 et seq; 22 USC 287c; 22 USC 3201 et seq; 22 USC 6004; 30 USC 185(s), 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC app 5; PL 106–387; PL 107–56; EO 13026; EO 13222**CFR Citation:** 15 CFR 774**Legal Deadline:** None**Abstract:** This rule amends the Export Administration Regulations (EAR) to clarify that the term “photovoltaic arrays,” as used in three Export Control Classification Numbers (ECCNs) in the Commerce Control List, applies to any individual cell, array of cells or panel of arrays that otherwise meet the specifications of those ECCNs. This rule also clarifies that the word “photovoltaic” and “solar” have the same meaning in those ECCNs when describing a cell, array or panel. This clarification is needed to promote understanding that license requirements apply to a photovoltaic array that includes only one cell when it meets the relevant specification and that in the ECCNs modified by this rule, the word “solar” is synonymous with the word “photovoltaic.”**Timetable:**

Action	Date	FR Cite
Withdrawn	02/12/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William Arvin, Department of Commerce, Bureau of Industry and Security, HCHB Room 2096, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482–2440  
Fax: 202 482–3355  
Email: warvin@bis.doc.gov**Related RIN:** Related to 0694–AD95**RIN:** 0694–AD64**360. REMOVAL OF LICENSE EXCEPTION “ADDITIONAL PERMISSIVE REEXPORTS” (APR) ELIGIBILITY FOR REEXPORTS OF COMMODITIES CONTROLLED FOR NATIONAL SECURITY REASONS TO COUNTRY GROUP D:1 DESTINATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app. 2401 et seq; 50 USC 1701 et seq; PL 106–387; EO 13026; EO 13222**CFR Citation:** 15 CFR 740**Legal Deadline:** None**Abstract:** Section 740.16 Export Administration Regulations (EAR) provides some exceptions to license requirements that apply to reexports (transmission or shipment from one foreign country to another) of an item that is subject to the EAR but not to exports from the United States. This rule addresses the reexport exception set forth in section 740.16(a)(3)(ii), which authorizes items controlled on the Commerce Control List for national security reasons to be reexported from countries listed in Country Group A:1 and cooperating countries to destinations listed in Country Group D:1 other than Cambodia, Laos or North Korea. Country Groups A:1 and D:1 are listed in supplement No. 1 to part 740 of the EAR. Country Group A:1 and Cooperating countries generally are countries that implement export controls for national security reasons consistent with U.S. controls. Country Group D:1 countries are countries of concern for national security reasons.**Timetable:**

Action	Date	FR Cite
Withdrawn	10/06/07	

**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 & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482–2440  
Fax: 202 482–3355  
Email: warvin@bis.doc.gov**RIN:** 0694–AD70**361. ADDITION OF “SERBIA” AND “MONTENEGRO” AS SEPARATE DESTINATIONS IN THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; EO 13222;**CFR Citation:** 15 CFR 738; 15 CFR 740**Legal Deadline:** None**Abstract:** This rule deletes “Serbia and Montenegro” and adds “Montenegro” and “Serbia” as separate entries on the Commerce Country Chart in supplement no. 1 to part 738 of the EAR for export licensing purposes. Montenegro attained independence from Serbia on June 3, 2006, based on a May 21, 2006, referendum. This rule also updates references to “Serbia and Montenegro” in part 740 of the EAR to reflect Montenegro’s legal separation from Serbia.**Timetable:**

Action	Date	FR Cite
Final Action	11/27/06	71 FR 68438

**Regulatory Flexibility Analysis**  
**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230  
Phone: 202 482–3451  
Fax: 202 482–3355  
Email: jlynch@bis.doc.gov**RIN:** 0694–AD85**362. IMPLEMENTATION OF THE UNDERSTANDINGS REACHED AT THE JUNE 2006 AUSTRALIA GROUP (AG) PLENARY MEETING; CLARIFICATIONS AND CORRECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; 42 USC 2139a; PL 106–387; PL 107–56; EO 12058; EO 13026; EO 13222;**CFR Citation:** 15 CFR 742; 15 CFR 774**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to implement the understandings reached at the June 2006 plenary meeting of the Australia Group (AG). Specifically, this

## DOC—BIS

## Completed Actions

rule amends the EAR by revising the List of Items Controlled in Export Control Classification Number (ECCN) 1C350, which controls human and zoonotic pathogens and toxins on the AG Common Control Lists, to add certain fungi (i.e., *Coccidioides immitis* and *Coccidioides posadasii*) and Shiga-like ribosome inactivating proteins other than verotoxin, consistent with the AG decision to add these items to the AG "Control List of Biological Agents." These items are currently controlled under ECCN 1C360, which controls select agents and toxins not included on any of the AG Common Control Lists. This rule also amends the EAR to implement changes to the AG "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology" by revising the List of Items Controlled in ECCN 2B351 to add certain chemical manufacturing equipment in which all surfaces that come in direct contact with the chemical(s) being processed or contained are made from niobium (colombium) or niobium alloys. In addition, this rule corrects errors contained in two ECCNs that were amended by a final rule that BIS published on December 29, 2004 (69 FR 77890). Specifically, this rule corrects a typographical error in the C.A.S. number for N,N-dimethylaminophosphoryl dichloride, which is listed in ECCN 1C350.b.23. This rule also corrects an error in ECCN 1C355 by removing and reserving 1C355.b.2.a, which currently contains the precursor chemical ethyldiethanolamine (C.A.S. 1139-87-7). This chemical was added to ECCN 1C350.c.12 by the December 29, 2004, final rule and should have been removed from ECCN 1C355 at that time.

**Timetable:**

Action	Date	FR Cite
Final Action	11/24/06	71 FR 67786

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

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

Email: wfisher@bis.doc.gov

**RIN:** 0694-AD86

### 363. TECHNICAL CORRECTIONS TO THE EXPORT ADMINISTRATION REGULATIONS AND TO THE DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS) REGULATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 2538; 10 USC 7420; 10 USC 7430(e); 22 USC 6004; 30 USC 185(s), 185(u); 42 USC 2139a; 42 USC 5195 et seq; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 50 USC 1701 et seq; 50 USC 82; 50 USC app 2061 et seq; 50 USC app 2401 et seq; 50 USC app 5; EO 11912; EO 12002; EO 12058; EO 12214; EO 12656; EO 12742; EO 12851; EO 12854; EO 12918; EO 12919; EO 12938; EO 12947; EO 12981; EO 13020; EO 13026; EO 13099; EO 13222; EO 13224; EO 13286; EO 13338; PL 106-387; PL 107-56; USC 3201 et seq

**CFR Citation:** 15 CFR 700; 15 CFR 730; 15 CFR 734; 15 CFR 740; 15 CFR 748; 15 CFR 758; 15 CFR 762

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR), in subchapter C, to remove an outdated reference to another Agency's schedule that is no longer used by that other Agency; to remove an outdated reference to another Department's regulations and replace it with the Department name and regulatory reference that is currently in use; to correct two references in the EAR that inadvertently directed the public to the wrong sections of the EAR for further information; and to correct information listed in the EAR for one (1) telephone number; one (1) fax number; one (1) e-mail number address; and two (2) addresses. This rule adds an e-mail address, fax number, and address to clarify for the public where de minimis reports should be sent, when required by the EAR.

BIS is also correcting a typographical error in a final rule published in the Federal Register on July 13, 2006 (71 FR 39526) that made administrative and technical corrections to the Defense Priorities and Allocations System (DPAS) Regulation (15 CFR part 700).

**Timetable:**

Action	Date	FR Cite
Final Action	01/29/07	72 FR 3943

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

**Agency Contact:** Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Mail Stop 2705, Washington, DC 20230

Phone: 202 482-2440

Email: tmooney@bis.doc.gov

**RIN:** 0694-AD88

### 364. • ADDITION OF ENTITIES TO THE ENTITY LIST

**Priority:** Substantive, Nonsignificant

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

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

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to add two entities to the Entity List. The Entity List is a compilation of end-users that present an unacceptable risk of using or diverting certain items to activities related to weapons of mass destruction. BIS requires a license for most exports or reexports to these entities and maintains the Entity List to inform the public of these license requirements.

**Timetable:**

Action	Date	FR Cite
Final Action	03/02/07	72 FR 9433

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

**Agency Contact:** Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Mail Stop 2705, Washington, DC 20230

Phone: 202 482-2440

Email: tmooney@bis.doc.gov

**RIN:** 0694-AD91



## DOC—BIS

## Completed Actions

**365. • NORTH KOREA: IMPOSITION OF NEW FOREIGN POLICY CONTROLS****Priority:** Other Significant**Legal Authority:** 22 USC 3201; 22 USC 6004; 50 USC 1701; 50 USC 2401; EO 13026;**CFR Citation:** 15 CFR 732; 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 746; 15 CFR 772; 15 CFR 774**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export

Administration Regulations (EAR) by adding license requirements for the Democratic People's Republic of Korea (North Korea) prohibiting the export of all goods on the CCL including EAR99 items other than food and medicine. This final rule is issued consistent with section 903 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA).

**Timetable:**

Action	Date	FR Cite
Final Action	01/26/07	72 FR 3722

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230  
Phone: 202 482-3451  
Fax: 202 482-3355  
Email: jlynch@bis.doc.gov**RIN:** 0694-AD97

## Department of Commerce (DOC)

## Prerule Stage

## National Oceanic and Atmospheric Administration (NOAA)

**NATIONAL MARINE FISHERIES SERVICE****366. • GUIDANCE ON LIMITED ACCESS PRIVILEGE PROVISIONS IN THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006****Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** None**Legal Deadline:** None**Abstract:** This notice is a solicitation for comments on the Limited Access Privilege (LAP) provisions in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA). NMFS is in the process of developing guidelines to provide guidance in the use of a LAP program (LAPP) as a fishery management tool, as defined in the MSRA. These guidelines would assist the Fishery Management Councils (Councils) in developing a LAPP.**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Agency Contact:** Alan Risenhoover, Director, Office of SustainableFisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334**RIN:** 0648-AV48**367. • PROTECTIVE REGULATIONS FOR KILLER WHALES IN THE NORTHWEST REGION UNDER THE ENDANGERED SPECIES ACT AND MARINE MAMMAL PROTECTION ACT****Priority:** Other Significant**Legal Authority:** 16 USC 1361 et seq; 16 USC 1531 to 1543**CFR Citation:** 50 CFR 216; 50 CFR 224**Legal Deadline:** None**Abstract:** The National Marine Fisheries Service (NMFS) is considering regulations to protect killer whales (Orcinus orca) in the Pacific Northwest. The Southern Resident killer whale distinct population segment (DPS) was listed as endangered under the Endangered Species Act (ESA) on November 18, 2005 (70 FR 69903). In the final rule announcing the listing, NMFS identified vessel effects, including direct interference and sound, as a potential contributing factor in the recent decline of this population. Both the Marine Mammal Protection Act (MMPA) and the ESA prohibit take, including harassment, of killer whales, but these statutes do not prohibit specified acts. NMFS is now

considering regulations that would prohibit certain acts, under our general authorities under the ESA and MMPA and their implementing regulations. The Proposed Recovery Plan for Southern Resident killer whales (71 FR 69101; November 29, 2006) includes as a management action the evaluation of current guidelines and the need for regulations and/or protected areas. The scope of this rulemaking encompasses the activities of any person or conveyance that may result in the unauthorized taking of killer whales and/or that may cause detrimental individual-level and population-level impacts.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/22/07	72 FR 13464
ANPRM Comment Period End	05/23/07	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**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-AV15

## Department of Commerce (DOC)

## Proposed Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

**NATIONAL MARINE FISHERIES SERVICE****368. 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:** None**Abstract:** Amendment 9 to the Fishery Management Plan for the Atlantic mackerel, squid, and butterfish fisheries would address essential fish habitat and revise the Illex quota procedures.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AP60**369. 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 665**Legal Deadline:** None**Abstract:** This regulatory amendment under the Bottomfish Fishery Management Plan would remove annual landings requirement for permit renewal, revise permit transferability restrictions, establish permit eligibility for the Mau Zone, and establish a mechanism to facilitate permits through a community development program in the Northwestern Hawaiian Islands bottomfish limited access programs.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

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

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 944-2207

**Related RIN:** Merged with 0648-AK82**RIN:** 0648-AQ20**370. 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:** The National Marine Fisheries Service is considering revisions to the national standard guidelines for National Standard 1 (NS1) that specify criteria for determining overfishing and establishing rebuilding schedules. There have been concerns expressed by the scientific community, fisheries managers, the fishing industry, and environmental groups regarding the appropriateness of some aspects of these guidelines.**Timetable:**

Action	Date	FR Cite
ANPRM	02/14/03	68 FR 7492
ANPRM Comment Period End	03/17/03	
Comment Period Extended	03/03/03	68 FR 9967
NPRM	06/22/05	70 FR 36240
Comment Period Extended	08/15/05	70 FR 47777
NPRM Comment Period End	08/22/05	
Proposed Rule	06/00/07	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and AtmosphericAdministration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334**RIN:** 0648-AQ63**371. AMENDMENT 62 TO THE FMP 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 ISLES (ISLANDS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None**Abstract:** This rule would implement American Fisheries Act (AFA) single geographic location allowing AFA-qualified inshore floating processors the flexibility to relocate between reporting weeks rather than between fishing years for the purpose of processing targeted Bering Sea and Aleutian Islands pollock. In addition, this rule would address obsolete and inconsistent inshore/offshore language in both the BSAI and GOA groundfish fishery management plans and recommend removing the GOA inshore/offshore allocation sunset date.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/07	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249**RIN:** 0648-AR06**372. MAXIMIZE RETENTION AND MONITORING PROGRAM IN THE SHORE-BASED PACIFIC WHITING FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

## DOC—NOAA

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

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

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

Fax: 206 526-6426

**RIN:** 0648-AR63**373. AMENDMENT 72 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE GULF OF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AR72**374. REVISIONS TO THE DEFINITIONS OF EXEMPTED FISHING AND SCIENTIFIC RESEARCH****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 600**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service amends the regulations at 50 CFR 600.745. The action is intended to provide clearer guidance to the public for obtaining appropriate acknowledgments and permits and to facilitate the timely

conduct of research to address bycatch and habitat issues in the fisheries.

**Timetable:**

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

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

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

**RIN:** 0648-AR78**375. COMMUNITY DEVELOPMENT QUOTA (CDQ) TRANSFERS 2007****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This regulatory amendment would revise regulations associated with fisheries quota transfers conducted under the Western Alaska Community Development Quota (CDQ) Program. This includes modifying restrictions associated with groundfish and halibut CDQ transfers to allow eligible entities to transfer quota before or after harvesting. This action also would revise Table 7 to part 679—Eligible CDQ Communities and remove obsolete regulatory text at 50 CFR 679.30.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AS13

## DOC—NOAA

## Proposed Rule Stage

**376. AMENDMENT 14 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management would establish a rebuilding plan for scup.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AS22**377. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE TILEFISH FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** Amendment 1 to the Fishery Management Plan for the Tilefish Fishery would implement Individual Transferable Quotas in the tilefish fishery.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/08	

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

Phone: 978 281-9200

**RIN:** 0648-AS25**378. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REDUCING SEA TURTLE TAKES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 971; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None**Abstract:** This action would amend the regulations governing the Atlantic pelagic longline fishery based upon a June 1, 2004, Biological Opinion regarding Atlantic sea turtles. This amendment could include framework mechanisms that would allow the Agency to take action, such as partial or rolling closures or gear or effort restrictions, if the number of sea turtle interactions or mortalities exceed anticipated levels during a certain period of time. This action would not change established quotas for target species.**Timetable:**

Action	Date	FR Cite
ANPRM	08/12/04	69 FR 49858
ANPRM Comment Period End	10/12/04	
NPRM	07/00/07	
NPRM Comment Period End	08/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713-2334**RIN:** 0648-AS49**379. GENERIC AMENDMENT TO PROVIDE FOR REGULATIONS OF OFFSHORE AQUACULTURE OF SELECTED FISH****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None**Abstract:** The purpose of the amendment is to develop a regulatory permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf exclusive economic zone. Possible management actions include: (1) Types of aquaculture permits required; (2) duration aquaculture permits are effective; (3) conditions for permit issuance; (4) species allowed for aquaculture; (5) allowable aquaculture systems; (6) designation of sites or areas for conducting aquaculture; (7) buffer zones for aquaculture facilities; (8) recordkeeping and reporting requirements; and (9) regulations to aid in the enforcement of marine aquaculture facilities.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/08	
NPRM Comment Period End	03/00/08	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308**RIN:** 0648-AS65**380. ESTABLISH MANAGEMENT MEASURES FOR THE WESTERN PACIFIC SQUID FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 665**Legal Deadline:** None**Abstract:** Under an amendment to the western Pacific pelagics Fishery Management Plan, pelagic squid would be designated as a management unit species, and measures would be established governing the pelagic squid fishery in the western Pacific region.**Timetable:**

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

## DOC—NOAA

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 944-2207

**RIN:** 0648-AS71**381. FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; WEST COAST SALMON FISHERIES; AMENDMENT 14; ESSENTIAL FISH HABITAT (EFH) DESCRIPTIONS FOR PACIFIC SALMON****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This action would implement Amendment 14 to the Pacific Salmon Fishery Management Plan (Salmon FMP) to identify and describe Essential Fish Habitat (EFH) for Pacific salmon. The intent of this rule is to codify the EFH identifications and descriptions for freshwater and marine habitats of Pacific salmon managed under the Salmon FMP, including chinook, coho, and pink salmon in Washington, Oregon, and California. In addition, the intent of this rule is to comply with the October 1, 2003, court order of the U.S. District Court for the District of Idaho, and to promote the conservation and enhancement of Pacific salmon EFH.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600

Sand Point Way NE., Building 1,

Seattle, WA 48115-0070

Phone: 206 526-6150

Fax: 206 526-6426

**RIN:** 0648-AS96**382. TRANSFER OF MANAGEMENT AUTHORITY FOR THE ATLANTIC COAST RED DRUM RESOURCE FROM THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None**Abstract:** The purpose of this action is to repeal the Atlantic Coast Red Drum Fishery Management Plan (Red Drum FMP) and transfer the Secretary's authority to regulate harvest and possession of red drum in and from the Atlantic Coast Exclusive Economic Zone (EEZ) from the Magnuson-Stevens Act to the Atlantic Coastal Fisheries Cooperative Management Act (ACA), as requested by the Council and the Atlantic States Marine Fisheries Commission. This action will maintain the prohibition on possession and harvest of red drum in the EEZ.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, State**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308**RIN:** 0648-AT13**383. WEST COAST HIGHLY MIGRATORY SPECIES, CORRECTING AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This rule will make clarifications and corrections to the final rules published to implement the Fishery Management Plan for U.S. West Coast Highly Migratory Species.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

**RIN:** 0648-AT32**384. MANAGEMENT MEASURES FOR PACIFIC BIGEYE TUNA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 665**Legal Deadline:** None**Abstract:** Amendment 14 to the Pelagics Fishery Management Plan (FMP) would implement management measures to address overfishing of bigeye tuna in the Pacific Ocean. The amendment would include nonregulatory procedures for the management of international fisheries that harvest bigeye tuna, and regulatory measures for fisheries managed under the FMP. These measures include a program of Federal permits and data collection for non-longline Hawaii-based commercial pelagic vessels (troll, handline, and pole and line). The amendment may include other regulatory measures, possibly including effort controls.**Timetable:**

Action	Date	FR Cite
Notice	02/15/07	72 FR 7375
NPRM	03/29/07	72 FR 14761
Comment Period End	04/16/07	
NPRM Comment Period End	05/14/07	
Final Rule	07/00/07	

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

DOC—NOAA

Proposed Rule Stage

**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: 808 944-2207

**RIN:** 0648-AT55

**385. AMENDMENT 10 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:** This action would implement a rebuilding program for butterfish. This would also authorize the formation of sectors in the squid fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AT58

**386. FRAMEWORK ADJUSTMENT 1 TO THE ATLANTIC SURFLAM AND OCEAN QUAHOG FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** Framework 1 would require Vessel Monitoring Systems in the surfclam and ocean quahog fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/07	72 FR 9719

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AT62

**387. AMENDMENT 68; CENTRAL GULF OF ALASKA ROCKFISH PILOT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC et seq

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This action would implement a pilot program that would recognize the historic participation of fishing vessels (1996 to 2002, best 5 of 7 years) and historic participation of fish processors (1996 to 2000, best 4 of 5 years) for Pacific ocean perch, northern rockfish, and pelagic shelf rockfish harvested in Central Gulf of Alaska. This pilot program would: (1) Provide for a set-aside of up to 5 percent for the total allowable catch of such fisheries for catcher vessels not eligible to participate in the pilot program, which shall be delivered to shore-based fish processors not eligible to participate in the pilot program; (2) establish catch limits for non-rockfish species and non-target rockfish species currently harvested with Pacific ocean perch, northern rockfish, and pelagic shelf rockfish, which shall be based on historical harvesting of such bycatch species. The pilot program would sunset when a Gulf of Alaska groundfish comprehensive rationalization plan is authorized by the Council and implemented by the Secretary, or 2 years from date of implementation, whichever is earlier.

**Timetable:**

Action	Date	FR Cite
Notice	05/15/06	71 FR 27984
NPRM	06/07/06	71 FR 33040

Action	Date	FR Cite
Comment Period End	07/14/06	
NPRM Comment Period End	07/24/06	
Final Action	11/20/06	71 FR 67210
Second NPRM	06/00/07	
Second NPRM Comment Period End	07/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AT71

**388. INTERAGENCY ELECTRONIC REPORTING SYSTEM (IERS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This rule would revise 50 CFR part 679.4—Permits by making technical edits, clarifying, and simplifying existing requirements. In addition, this rule would revise several sections of 50 CFR part 679.5—Reformatting recordkeeping and reporting regulations to make room for new electronic reporting requirements; making technical edits; clarifying and simplifying existing requirements; removing obsolete text. A new section will be added to describe requirements for a catcher vessel electronic logbook. The Shoreside Processor Electronic Logbook Report (SPELR) for groundfish at 679.5(e) will be replaced by the Interagency Electronic Reporting System (IERS) eLandings data entry for groundfish, crab, Individual Fishing Quota (IFQ) halibut, IFQ sablefish, and Community Development Quota halibut. The IFQ Internet system described at 679.5(l) will be revised with an option to use eLandings. The mothership weekly accumulative ADF&G fish tickets described at 679.5(m) will be removed; this information will be sent through IERS eLandings. The revision of this rule is necessary to meet the statutory

## DOC—NOAA

## Proposed Rule Stage

deadline for eLandings to be in place for groundfish data entry by January 1, 2007.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**Related RIN:** Merged with 0648-AR30, Merged with 0648-AQ07

**RIN:** 0648-AT91

### 389. WESTERN PACIFIC PRECIOUS CORALS FISHERY MANAGEMENT PLAN (FMP): AMENDMENT TO MANAGE HAWAII BLACK CORAL FISHERY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service is taking action to reduce fishing impacts on black coral in the Auau Channel, Hawaii. The biomass of black coral there has declined from several factors, including fishing. This action would remove an exemption that allows the harvest of black corals with a minimum base diameter of 0.75 inch or minimum height of 36 inches by persons who reported harvest to the State of Hawaii within the five years prior to April 17, 2002. The current minimum base requirement of 1 inch and minimum height of 48 inches would remain in effect.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**Related RIN:** Merged with 0648-AS64

**RIN:** 0648-AT93

### 390. AMENDMENT 84-A TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA IMPLEMENTING SALMON BYCATCH MEASURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This rule would exempt Pollock and Community Development Quota vessels that participate in a voluntary rolling hotspot closure system (VRHS) from chum and Chinook salmon savings area closures. The VRHS utilizes inseason data and a private contractor to determine and avoid high salmon bycatch areas. The VRHS encourages salmon bycatch reduction through internal enforcement of a civil agreement between cooperatives and third party groups. This rulemaking would also exempt vessels participating in the trawl cod and/or flatfish targets from closures of the chum salmon savings area.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	11/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AU03

### 391. AMERICAN LOBSTER FISHERY: EGG PRODUCTION MEASURES AS APPROVED IN ADDENDA II THROUGH VII TO AMENDMENT 3 OF THE ATLANTIC STATES MARINE FISHERIES COMMISSION'S INTERSTATE FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 697

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) announces that it is considering, and seeking public comment on, the implementation of further minimum carapace length (gauge) increases and escape vent size increases in the Federal lobster fishery, consistent with recommendations for Federal action in Addenda II-VII of Amendment 3 to the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP) for American Lobster. These include gauge increases scheduled annually from 2005 through 2008 in Lobster Conservation Management Areas (LCMA) 3 and the Outer Cape Lobster Conservation Management Area (OCLMA), as well as an escape vent size increase for LCMA 1 scheduled for 2007. These measures are in addition to those addressed by NMFS in a proposed rule, published in the Federal Register on September 2, 2005 (70 FR 52346), which proposes gauge increases and escape vent size increases as scheduled through 2004 in Addenda II and III to Amendment 3 of the ISFMP.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/13/05	70 FR 73717
ANPRM Comment Period End	01/12/06	
ANPRM	12/18/06	71 FR 75705
NPRM	08/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**

<http://www.nero.noaa.gov/statefedoff/>

**URL For Public Comments:**

<http://www.nero.noaa.gov/nero/comments/index.htm>

**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast

## DOC—NOAA

## Proposed Rule Stage

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

RIN: 0648-AU07

### 392. EXPANSION OF THE PACIFIC COAST GROUND FISH FISHERY VESSEL MONITORING SYSTEM TO THE OPEN ACCESS FISHERY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1851, sec 301

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This action expands the current vessel monitoring system (VMS) program by requiring all vessels fishing pursuant to the harvest guidelines, quotas, and other management measures governing the open access groundfish fishery to provide declaration reports and to activate and use a VMS transceiver while fishing off the coasts of Washington, Oregon, and California. Any commercial fishing vessel that is not registered to a limited entry groundfish permit and that is used to take and retain groundfish in the Exclusive Economic Zone (3-200 nm from shore) that possess groundfish while transiting the EEZ, or that lands groundfish taken in the EEZ is considered to be participating in the open access groundfish fishery. Vessels using non-groundfish trawl gear to fish in the EEZ will be included, whether or not groundfish is retained, for the purpose of monitoring vessel activity in relation to essential fish habitat.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

RIN: 0648-AU08

### 393. SUBSISTENCE HALIBUT PROGRAM AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679; 50 CFR 300; 50 CFR 902

**Legal Deadline:** None

**Abstract:** The action would amend regulations for the Subsistence Halibut Program by: (1) Revising the subsistence gear restrictions in Kodiak and adding seasonal gear and vessel limits in the Sitka Sound Local Area Management Plan (LAMP) area; (2) adding the village of Naukati to the list of eligible subsistence halibut communities; (3) implementing a possession limit equal to two daily bag limits to enhance enforcement; (4) revising the definition of charter vessel; (5) revising regulations allowing customary trade; and (6) allowing the use of special permits within non-subsistence use areas by tribes eligible for the permits.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment Period End	09/00/07	

**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

**Related RIN:** Related to 0648-AK16, Related to 0648-AR88

RIN: 0648-AU14

### 394. REGULATORY AMENDMENT TO REVISE CERTAIN SPECIES CODES IN TABLE 2A AND TABLE 2D

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory amendment would add and revise species codes to table 2 to part 679. Table 2a is revised

to remove species code 154 Dusky rockfish (*S. ciliatus*) and by adding in its place 154 Dark rockfish (*S. ciliatus*) and a new species code for Dusky rockfish (*S. variabilis*). This change will allow managers to account for catches of each of these species separately. Table 2d is revised to remove an unnecessary species code for Albacore tuna.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

RIN: 0648-AU20

### 395. AMENDMENT 14 TO THE BOTTOMFISH AND SEAMOUNT GROUND FISH FMP: MEASURES TO END BOTTOMFISH OVERFISHING IN THE HAWAIIAN ARCHIPELAGO

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

**Abstract:** The Pacific Islands Regional Administrator notified the Western Pacific Council in May 2005 that the bottomfish species complex in the Hawaiian Archipelago is in a state of overfishing. This action would amend the fishery management plan to implement measures to end overfishing in the bottomfish complex.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator,



## DOC—NOAA

## Proposed Rule Stage

Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207  
RIN: 0648-AU22

### 396. AUTHORIZE AN EXEMPTED FISHING PERMIT UNDER THE HIGHLY MIGRATORY SPECIES (HMS) FISHERY MANAGEMENT PLAN (FMP)

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

**Abstract:** This rule would implement regulations authorizing an Exempted Fishing Permit, under the Highly Migratory Species (HMS) Fishery Management Plan, to allow a limited number of drift gillnet vessels to fish in a zone currently closed under the Endangered Species Act (ESA) and Magnuson-Stevens Fishery Conservation and Management Act regulations. The action is pending review and approval by the Pacific Council and must undergo an ESA section 7 consultation prior to adoption.

#### Timetable:

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

#### 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-AU25

### 397. AMENDMENT 12 TO THE COASTAL PELAGIC SPECIES (CPS) FISHERY MANAGEMENT PLAN (FMP)

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

**Abstract:** The Pacific Fishery Management Council amends its Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) to ensure the protection of krill and the resources which depend on or are sensitive to the abundance and availability of krill off the West Coast. The Amendment would add krill to the management unit species of the CPS FMP, establish a "prohibited harvest" category of management unit species in the CPS FMP, place krill in the "prohibited harvest" category and thus prohibit the harvest and retention of krill in the EEZ, and deny the use of the exempted fishing permit process under the CPS FMP to allow krill fishing.

#### Timetable:

Action	Date	FR Cite
Notice of Availability	02/26/07	72 FR 8335
Comment Period End	04/27/07	
NPRM	06/00/07	

#### 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-AU26

### 398. AMENDMENT 14 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** Amendment 14 would establish marine protected areas (MPAs) in Federal waters of the South Atlantic.

#### Timetable:

Action	Date	FR Cite
Notice	07/20/06	71 FR 41207
NPRM	06/00/07	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

RIN: 0648-AU28

### 399. AMENDMENT 15 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** Amendment 15 would: establish biological reference points and status determination criteria, where needed, for five snapper grouper species; establish rebuilding schedules and strategies, where needed, for five snapper grouper species; assess the practicability of prohibiting the sale of recreationally caught fish; ensure parity among users in different states by changing the golden tilefish fishing year and trip limit; eliminate the queen snapper size limit; assess the practicability of changes to the renewal period on commercial snapper grouper permits; and assess the practicability of allowing one-to-one transfer of commercial permits from an individual to a family-held corporation.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

RIN: 0648-AU29

## DOC—NOAA

## Proposed Rule Stage

**400. AMENDMENT 11 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** Amendment 11 would limit access and control effort in the General Category sector of the scallop fishery.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AU32**401. FRAMEWORK 4 TO THE FISHERY MANAGEMENT PLAN FOR MONKFISH****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This framework would modify the annual adjustment process for the monkfish fishery.**Timetable:**

Action	Date	FR Cite
NPRM	03/20/07	72 FR 13069
NPRM Comment Period End	04/23/07	
Final Rule	06/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**Related RIN:** Merged with 0648-AU65**RIN:** 0648-AU34**402. RECONCILIATION OF STATE AND FEDERAL COMMERCIAL FISHING VESSEL PERMIT PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648; 50 CFR 697**Legal Deadline:** None**Abstract:** This action would implement a limit to the amount of days that a federally-permitted commercial fishing vessel can fish. Although, in the case of the Northeast (NE) multispecies fisheries, it is estimated that less than 5 percent of vessels are currently exploiting what amounts to a regulatory loophole, fishing part of the permit year exclusively under State regulations and then later renewing their Federal permit, their impact to fishing mortality objectives could potentially be significant, especially as reductions in DAS continue in New England. This action is needed to address the aforementioned situation, that is exploited by a few people, before others begin to regard this as an advantage that should be utilized to stay competitive. The purpose of this action is to remove an unintended consequence of having a Federal permit renewal system that effectively allows for a temporary relinquishment of a Federal limited access permit. This action would reinforce commercial fishing vessel permit renewal procedures currently practiced by over 90 percent of all limited access permit holders. Furthermore, this action may facilitate the development of corresponding State permit regulations.**Timetable:**

Action	Date	FR Cite
NPRM	04/06/07	72 FR 17085
NPRM Comment Period End	05/07/07	
Final Rule	07/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AU51**403. FRAMEWORK ADJUSTMENT TO THE BYCATCH REDUCTION CRITERION FOR THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None**Abstract:** The Gulf of Mexico Fishery Management Council (Council) developed Amendment 9 to the Shrimp FMP, which established a requirement for the use of Bycatch Reduction Devices (BRDs) in the shrimp fishery of the western Gulf of Mexico. Amendment 9 also established criteria by which BRDs would be tested and certified for use in the shrimp fishery of the western Gulf of Mexico. Since that time, many changes have occurred in both the directed red snapper fishery and the shrimp fishery to affect the fishing mortality reduction requirements. Because of changes in the shrimp fishery, existing certified BRDs reduce fishing mortality by a lesser amount than originally documented, and no new BRDs have been developed for use in the shrimp fishery. NMFS is taking this action to modify the existing BRD certification criteria. The intent of this change is to better address reductions in bycatch of red snapper, and to better address National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308**Related RIN:** Related to 0648-AT86**RIN:** 0648-AU59

## DOC—NOAA

## Proposed Rule Stage

**404. APPROVAL OF OPERATIONS PLAN FOR THE GEORGES BANK FIXED GEAR SECTOR FOR 2007–2008****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action requests comment on an Operations Plan for a Sector in the NE multispecies fishery.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281–9200**RIN:** 0648–AU61**405. APPROVAL OF OPERATIONS PLAN FOR THE GEORGES BANK HOOK SECTOR FOR 2007–2008****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action requests comment on an Operations Plan for a Sector in the NE multispecies fishery.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281–9200**RIN:** 0648–AU62**406. ESTABLISHMENT OF QUOTAS FOR THE 2007–2008 COD, HADDOCK, AND YELLOWTAIL FLOUNDER FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action implements fishing quotas (TACs) for cod, haddock, and yellowtail flounder on Georges Bank for 2007.**Timetable:**

Action	Date	FR Cite
NPRM	03/12/07	72 FR 10967
NPRM Comment Period End	04/11/07	
Final Action	05/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281–9200**RIN:** 0648–AU63**407. AMENDMENT 80 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 679**Legal Deadline:** None**Abstract:** Amendment 80 would provide specific groundfish allocations to the non-AFA trawl CP sector and allow the formation of fishing cooperatives within the sector. Sector allocations and associated cooperatives would allow participants to focus less on harvest maximization and more on optimizing their harvest. This in turn could allow reduction of incidental catch, improve retention, and improve utilization, while still improving the economic health of the harvesting and processing, all of which address the problem statement for Amendment 80. Additional monitoring and enforcement provisions will ensure that the allocations are properly accounted. The

costs of these monitoring provisions would be less than the benefits from improved economic efficiency.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586–7221  
Fax: 907 586–7249**Related RIN:** Related to 0648–AT04**RIN:** 0648–AU68**408. AMENDMENT 15 TO THE PACIFIC COAST SALMON FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** Amendment 15 to the Pacific Coast Salmon Fishery Management Plan (FMP) would implement provisions that provide de minimis fishing opportunity during periods when the status of Klamath River fall Chinook is such that no fishing opportunities would be allowed under the current FMP without use of the emergency rule process, as was necessary for the 2006 salmon season. The conservation objective for Klamath River fall Chinook, which includes an annual natural spawning escapement floor of 35,000 adults, with respect to determining when stock status would trigger a Conservation Alert or an Overfishing Concern, will not change.**Timetable:**

Action	Date	FR Cite
Notice	12/20/06	71 FR 76270
NPRM	05/00/07	
NPRM Comment Period End	06/00/07	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of

## DOC—NOAA

## Proposed Rule Stage

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-AU69

**409. 2007-2008 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:** None

**Abstract:** This action would implement annual management measures for the 2007-2008 fishing year. In particular, this action would 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
NPRM	04/00/07	

**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-AU70

**410. GEOGRAPHIC REORGANIZATION OF WESTERN PACIFIC REGULATIONS**

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

**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 665  
**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service amends its regulations concerning fisheries in the Western Pacific by reorganizing the provisions according to geography. This action will make the regulations better

organized and easier to use for managers, the regulated community, and the general public.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment Period End	09/00/07	

**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: 808 944-2207

**RIN:** 0648-AU71

**411. AMEND VESSEL MARKING SECTION 660.704 OF THE U.S. WEST COAST HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** The Pacific Fisheries Management Council (Council) is considering alternatives for amending the vessel marking requirement embodied in Section 660.704 of the Highly Migratory Species Fishery Management Plan. Changes to letter height, color, and placement pertaining to the official vessel number will be amended. These changes are being considered to standardize the vessel marking requirements for recreational charter vessels operating in West Coast fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Craig Heberer, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
 Phone: 760 431-9440

Fax: 562 980-4047  
 Email: craig.heberer@noaa.gov  
**RIN:** 0648-AU73

**412. EFFORT LIMITATION FOR UNITED STATES COMMERCIAL FISHING VESSELS TARGETING NORTH PACIFIC ALBACORE TUNA**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service is considering regulations to fulfill the United States' obligation under Inter-American Tropical Tuna Commission (IATTC) Resolution to cap effort in the North Pacific albacore surface hook-and-line fishery managed under the Highly Migratory Species Fishery Management Plan. The IATTC Resolution recommends that member nations and cooperating parties take this action to address potential overfishing concerns for North Pacific albacore.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Craig Heberer, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
 Phone: 760 431-9440  
 Fax: 562 980-4047  
 Email: craig.heberer@noaa.gov

**RIN:** 0648-AU74

**413. BAG LIMITS FOR TUNA SPECIES TAKEN IN THE RECREATIONAL CHARTER FISHERY FOR THE UNITED STATES WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This action would implement bag limits for tuna species taken by West Coast recreational fisheries. This regulation would institute a daily bag

## DOC—NOAA

## Proposed Rule Stage

limit for albacore and bluefin tuna harvested in State and Federal waters off California, Oregon and Washington. The bag limited is needed to address resource conservation efforts.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Craig Heberer, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 760 431-9440

Fax: 562 980-4047

Email: craig.heberer@noaa.gov

**RIN:** 0648-AU77

#### 414. INDIVIDUAL FISHING QUOTA PROCESSING RESTRICTION AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 300; 50 CFR 679

**Legal Deadline:** None

**Abstract:** This action would modify the halibut and sablefish Individual Fishing Quota (IFQ) Program regulations to allow: (1) Processing of non-IFQ species on a vessel that is otherwise authorized to process non-IFQ species when any amount of IFQ halibut resulting from catcher vessel Quota Share (QS) is held by fishermen on board a vessel in the Bering Sea and Aluetian Islands and the Gulf of Alaska; and (2) processing catcher/processor QS on board a vessel on which persons possess catcher vessel QS.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802

Phone: 907 586-7221

Fax: 907 586-7249

**RIN:** 0648-AU85

#### 415. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2007 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, General category effort controls, and seasonal management measures for the 2007 fishing year (June 1, 2007 — December 31, 2007). This action will implement the U.S. annual BFT quota as recommended by the International Commission for the Conservation of Atlantic Tunas and allocate that quota among the domestic fishing categories. General category effort controls will allocate time-period subquotas and set certain restricted fishing days. The seasonal management measures would propose daily retention limits and their duration for both the General and Angling categories. The annual specification process is set forth in current regulations implemented under the Consolidated Highly Migratory Species Fishery Management Plan.

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/07	72 FR 16318
NPRM Comment Period End	05/04/07	
Final Rule	07/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AU87

#### 416. ATLANTIC HIGHLY MIGRATORY SPECIES; INTERNATIONAL TRADE PERMIT REGULATORY AMENDMENT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 300

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Species proposes regulatory changes to the highly migratory species (HMS) international trade program, which encompasses dealer permitting and reporting for international trade of swordfish, bluefin tuna, and bigeye tuna. The proposed regulatory changes will include adjustments to improve program efficacy and consistency with regulations of other U.S. agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment Period End	10/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

**RIN:** 0648-AU88

#### 417. ATLANTIC HIGHLY MIGRATORY SPECIES; 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 reevaluate the management measures for large coastal sharks (LCS) and pelagic sharks based on the 2005/2006 LCS stock assessment, the 2006 dusky shark stock assessment, and the Canadian 2005 porbeagle shark stock assessment. This rulemaking could consider, among other things, changes to existing rebuilding plans for overfished species, commercial quotas and trip limits, recreational minimum size and bag limits, and the public display quota. In

## DOC—NOAA

## Proposed Rule Stage

addition, this rule would likely reevaluate the Mid-Atlantic shark closure and its role in the rebuilding plan for LCS. This action is necessary in light of recent stock assessments, which have determined that dusky and sandbar sharks are overfished with overfishing occurring. The status is unknown for the Atlantic blacktip shark population, and porbeagle sharks are likely overfished. In addition, the 2005/2006 LCS stock assessment determined it is inappropriate to assess the LCS complex as a whole, which has been the basis of managing these species since 1993.

**Timetable:**

Action	Date	FR Cite
Notice	11/07/06	71 FR 65086
NPRM	07/00/07	
NPRM Comment Period End	09/00/07	

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

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

**RIN:** 0648-AU89**418. • PROTECTIVE REGULATIONS FOR THREATENED ELKHORN AND STAGHORN CORALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 to 1544**CFR Citation:** 50 CFR 223**Legal Deadline:** None

**Abstract:** Under section 4(d) of the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. This rule represents the regulations that NMFS believe are necessary and advisable to conserve threatened elkhorn and staghorn corals. These protective regulations would apply the take prohibitions enumerated in section 9(a)(1) of the ESA in most circumstances to the two listed threatened coral species. NMFS does not find it necessary or advisable to

apply the take prohibitions to specified categories of activities that contribute to conserving listed corals or are governed by a program that adequately limits impacts on listed corals.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis****Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** None

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

**RIN:** 0648-AU92**419. • VESSEL MONITORING SYSTEM REVISION FOR BERING SEA AND ALEUTIAN ISLANDS (BSAI) AND GULF OF ALASKA (GOA) FISHERIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 U.S.C. 1801**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This regulatory amendment is necessary to clarify the requirements for vessel monitoring systems (VMS) for vessels operating in the fisheries of the Bering Sea and Aleutian Islands management area and Gulf of Alaska. The revision would require all federally permitted vessels to operate a VMS when the fishery is open for which the vessel is endorsed. In addition, the revision would require all federally permitted vessels to operate a VMS in State of Alaska waters when VMS operation is also required in Federal waters.

**Timetable:**

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

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region,

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

**Related RIN:** Related to 0648-AT09**RIN:** 0648-AU93**420. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); ESSENTIAL FISH HABITAT****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This rule would update Essential Fish Habitat (EFH) for Atlantic Highly Migratory Species (HMS). This rulemaking would consider alternatives for different EFH identifications and descriptions, analyze fishing and non-fishing impacts on any resulting changes to EFH, and consider measures to minimize any adverse fishing and non-fishing impacts on the revised EFH. EFH for Atlantic HMS was originally identified and described in the 1999 fishery management plan (FMP) for Atlantic Tunas, Swordfish, and Sharks, and in the 1999 Amendment 1 to the Atlantic Billfish FMP. As part of the 5-year review and update required by the EFH regulatory guidelines, the National Marine Fisheries Service reviewed all new and existing EFH data in the Consolidated HMS FMP and determined that changes to existing EFH may be warranted. This rulemaking would constitute the second phase of the 5-year review and update by potentially modifying some of the existing EFH.

**Timetable:**

Action	Date	FR Cite
Notice	11/07/06	
NPRM	12/00/07	

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

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

## DOC—NOAA

## Proposed Rule Stage

Phone: 301 713-2334

RIN: 0648-AV00

**421. • REVISE ECONOMIC DATA REPORTS (EDR) FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA; BERING SEA AND ALEUTIAN ISLANDS KING AND TANNER CRAB FISHERY RESOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1862**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This regulatory amendment would revise the implementation of reporting regulations for the Crab Rationalization Program to section 680.06 to conform with the statutory requirements and objectives of the Fishery Management Plan for Bering Sea/Aleutian Islands (BSAI) King and Tanner Crabs (FMP), the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and other applicable laws. This action is necessary to correct a discrepancy in the previous rulemaking. Specifically, revision to the reporting requirements to section 680.06 is necessary to maintain consistency between EDRs and the regulations for crab harvesters and processors participating in the program.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**Related RIN:** Related to 0648-AS47**RIN:** 0648-AV06**422. • STANDARDIZE PERMIT APPLICATIONS FOR THE FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA; BERING SEA, ALEUTIAN ISLANDS, AND GULF OF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1862**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This action would revise permit application requirements by adding, if not already included: (1) Social security number (SSN) or tax identification number (TIN), and (2) date of birth or date of incorporation. This action is necessary to standardize the process for issuing permits across NMFS and to comply with the Debt Collection Improvement Act of 1996 (DCIA), which requires Federal agencies to collect a TIN or SSN for all persons doing business with the government. All existing and future applications for a permit, license, endorsement, transfer, or like instruments issued by the National Marine Fisheries Service will require the TIN or, in certain permits/applications, the social security number of the applicant as well as the date of birth of individual applicants or date of incorporation, no later than December 31, 2007.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AV08**423. • ATLANTIC HIGHLY MIGRATORY SPECIES; NORTH AND SOUTH ATLANTIC SWORDFISH COMMERCIAL MANAGEMENT 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 will modify the 2006 fishing season quotas for North and South Atlantic Swordfish based on recent updated landings information. This action will also establish initial North and South Atlantic quotas and seasons for 2007, and will implement recommendations from the 2006 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). This rule is necessary to ensure that current swordfish quotas account for underharvests from the 2005 fishing year, consistent with regulations at 50 CFR part 635, and implement ICCAT recommendations that establish the U.S. North and South Atlantic swordfish allocations.

**Timetable:**

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

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

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

**RIN:** 0648-AV10**424. • ANNUAL SPECIFICATIONS FOR 2007 PACIFIC SARDINE FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

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

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AV11**425. • HIGH SEAS FISHING COMPLIANCE ACT (HSFCA); AMENDMENT OF REGULATIONS****Priority:** Other Significant**Legal Authority:** 16 USC 5501**CFR Citation:** 50 CFR 300**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service publishes this action to improve the administration of the HSFCA program. The regulatory changes will include adjustments to permitting, reporting and transshipping procedures; provisions for experimental or exploratory fisheries; specifications for vessel monitoring system requirements; and the correction of obsolete references.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

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

**Agency Contact:** Dr. Rebecca Lent, Regional Administrator, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802-4213  
Phone: 562 980-4001

**RIN:** 0648-AV12**426. • REGULATORY AMENDMENT TO REVISE ELECTRONIC REPORTING SOFTWARE AND HARDWARE REQUIREMENTS FOR THE OBSERVER COMMUNICATIONS SYSTEM (OCS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773 to 773k; 16 USC 1801; 16 USC 3631**CFR Citation:** 50 CFR 679; 50 CFR 300**Legal Deadline:** None

**Abstract:** This action is necessary to revise regulations at section 679.50(g)(1) and section 679.50(g)(2), which describe vessel and shoreside processor minimum software and hardware requirements for the Observer Communications System (OCS). The OCS consists of custom software and communications equipment that groundfish observers use to enter data collected in the course of their duties and to communicate this data by satellite link to observer program staff. Additionally, the OCS is capable of sending text messages, and observer program staff uses this function to provide support to observers while in the field. Since its implementation, OCS requirements have been periodically upgraded through proposed and final rulemaking. These upgrades have been necessary as commercially available software becomes obsolete or unsupported by its manufacturer, or the National Marine Fisheries Service (NMFS) must upgrade the software component of the OCS to increase the overall data quality and efficiency of the OCS system. Rather than propose upgrades to specific hardware and software components necessary to support new OCS software, NMFS removes these specific requirements, and replaces them with a requirement that each catcher vessel, catcher/processor, mothership, and shoreside or stationary floating processor already subject to OCS requirements provide hardware and software that is fully functional and operational with the NMFS supplied software.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/07	72 FR 14764
NPRM Comment Period End	04/27/07	
Final Rule	06/00/07	

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

**Additional Information:** Jason Anderson, 907-586-7650; Jason.Anderson@noaa.gov

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**Related RIN:** Related to 0648-AP66, Related to 0648-AS93**RIN:** 0648-AV13**427. • REVISION TO ALLOWABLE BYCATCH REDUCTION DEVICES FOR THE GULF OF MEXICO SHRIMP FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

**Abstract:** In accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), NMFS publishes this action to decertify the expanded mesh bycatch reduction device (BRD), the Gulf fisheye BRD, and to revise the allowable configuration of the fisheye BRD for use in the Gulf of Mexico shrimp fishery. The intended effect of this rule is to improve bycatch reduction in the shrimp fishery and better meet the requirements of national standard 9.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

**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, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

**RIN:** 0648-AV14



## DOC—NOAA

## Proposed Rule Stage

**428. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); SAWFISH DEHOOKING AND SEA TURTLE HANDLING GEAR****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This rule would update regulations on the handling and release of smalltooth sawfish, an endangered species, to allow for removal of hooks or other fishing gear if a smalltooth sawfish is caught incidentally in pelagic longline or bottom longline fisheries for Atlantic highly migratory species (HMS). This rule would also make mandatory the possession and use of additional sea turtle handling gear to facilitate dehooking of sea turtles (endangered or threatened depending on species) caught incidentally in pelagic or bottom longline gear for Atlantic HMS. The benefit of this rule is to maximize safe and efficient gear removal from incidentally captured sawfish and sea turtles, minimizing the potential for serious injury or mortality from remaining gear.

**Timetable:**

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

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

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

**RIN:** 0648-AV16**429. • AMENDMENT 18 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

**Abstract:** To prevent overfishing and continue sustainable management of the Atlantic groups of king and Spanish mackerel resources, Amendment 18 would adjust total allowable catch for Atlantic migratory groups of king and Spanish mackerel, and adjust the trip limits for Atlantic migratory group Spanish mackerel to track the new fishing year (March 1 — end of February).

**Timetable:**

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

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

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

**RIN:** 0648-AV17**430. • AMENDMENT 25 TO THE FISHERY MANAGEMENT PLAN IN THE BERING SEA AND ALEUTIAN ISLANDS KING AND TANNER CRAB FISHERIES OFF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773 to 773k; 16 USC 1801; 16 USC 3631**CFR Citation:** 50 CFR 679; 50 CFR 300**Legal Deadline:** None

**Abstract:** The Fishery Management Plan (FMP) for the Bering Sea and Aleutian Islands King and Tanner Crab Fisheries off Alaska titled Amendment 25 authorizes eligible entities and their affiliates to work together to combine Processor Quota Share (PQS) and Catcher Vessel Operator (CVO) Quota Share (QS) and to exchange these shares for newly created northern region CPO QS (North CPO QS). This FMP is in accordance with the Magnuson-Stevens Reauthorization Act of 2006.

**Timetable:**

Action	Date	FR Cite
Notice	02/05/07	72 FR 5255

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

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AV19**431. • GEORGES BANK COD HOOK SECTOR OPERATIONS PLAN AND AGREEMENT AND ALLOCATION OF GEORGES BANK COD TOTAL ALLOWABLE CATCH****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** The Northeast Multispecies Fishery Management Plan approved creation of the Georges Bank Cod Hook Sector (Sector) in 2004, and created a process wherein the Sector is required to submit an annual operations plan in order to be approved to operate in a specific manner during a specific fishing year, and be allocated a total allowable catch (TAC) of Georges Bank cod for a fishing year. This proposed rule would not implement regulations, but would solicit public comment on the proposed management measures under which the Sector would Operate during fishing year 2007, and propose a specific 2007 Georges Bank cod TAC. The Fishery Management Plan authorizes the Regional Administrator (NER) to approve the proposed operations plan after soliciting public comment through publication of a proposed rule in the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

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

## DOC—NOAA

## Proposed Rule Stage

**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-AV20

#### 432. • FRAMEWORK ADJUSTMENT 7 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** The purpose of this framework is to improve the timeliness and efficiency of incorporating the best scientific information available, consistent with National Standards 1 and 2, into the annual management processes outlined in section 648.100, 648.120, and 648.140 for these three stocks, respectively. This action would first liberalize the stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) while maintaining objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. Second, this action would establish acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and new or updated information is available, the new or revised stock status determination criteria may be incorporated by the Council directly into the annual management measures for each species.

#### Timetable:

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

#### 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-AV21

#### 433. • 2007 GEORGES BANK COD FIXED GEAR SECTOR OPERATIONS PLAN AND TAC ALLOCATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** Framework Adjustment (FW) 42 to the Northeast Multispecies Fishery Management Plan approved creation of the Georges Bank Cod Fixed Gear Sector (Fixed Gear Sector) in 2006, and created a process wherein the Sector is required to submit an annual operations plan in order to be approved to operate in a specific manner during a specific fishing year, and be allocated a total allowable catch (TAC) of Georges Bank cod for a fishing year. This proposed rule would not implement regulations, but would solicit public comment on the proposed management measures under which the Sector would Operate during fishing year 2007, and propose a specific 2007 Georges Bank cod TAC. The Fishery Management Plan authorizes the Regional Administrator (NER) to approve the proposed operations plan after soliciting public comment through publication of a proposed rule in the Federal Register.

#### Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AV22

#### 434. • AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR U.S. WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** Amendment 1 to the West Coast Highly Migratory Species (HMS) Fishery Management Plan (FMP), combined with the Western Pacific Fishery Management Council's Amendment 14 will address Pacific-wide overfishing of Pacific bigeye tuna (*Thunnus obesus*). This action is necessary per requirements contained in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires protection for, and an end to overfishing of species managed under a Federal FMP. Amendment 1 also would reorganize the HMS FMP to create a more user-friendly document as the current form is a combined FMP with the Final Environmental Impact Statement (FEIS), which evaluates the effects of its implementation. In addition to addressing overfishing of bigeye tuna, the reorganized FMP retains the management program elements required by the Magnuson-Stevens Act.

#### Timetable:

Action	Date	FR Cite
Notice	03/09/07	72 FR 10628
Comment Period End	05/08/07	
NPRM	06/00/07	
NPRM Comment Period End	07/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

**RIN:** 0648-AV24

#### 435. • FISHERY ECOSYSTEM PLANS FOR THE WESTERN PACIFIC REGION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

**Abstract:** This action is being taken to develop new Fishery Ecosystem Plans (FEPs) to employ ecosystem approaches to fishery management. The place-based FEPs (one for pelagic fisheries, and for

## DOC—NOAA

## Proposed Rule Stage

fisheries in the American Samoa Archipelago, the Hawaii Archipelago, the Marianas Archipelago, and the Pacific Remote Island Areas)—will replace existing species-based fishery management plans (FMPs): Bottomfish and Seamount Groundfish FMP, Crustaceans FMP, Precious Corals FMP, Coral Reef Ecosystems FMP and Pelagics FMP.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

**RIN:** 0648-AV27

**436. • FISHERIES IN THE WESTERN PACIFIC; BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES; FMP AMENDMENT 10—COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI) LARGE VESSEL BOTTOMFISH MANAGEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

**Abstract:** Amendment 10 to the Fishery Management Plan (FMP) for Bottomfish and Seamount Groundfish Fisheries in the Western Pacific would establish closed areas, Federal permitting and reporting requirements, and vessel monitor system requirements, for large vessels (> 40 ft) targeting bottomfish in the Commonwealth of the Northern Mariana Islands.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of

Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 944-2207

**RIN:** 0648-AV28

**437. • FISHERIES IN THE WESTERN PACIFIC; WESTERN PACIFIC CRUSTACEAN FISHERIES; FMP AMENDMENT 13—DEEPWATER SHRIMP**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 CFR 1801

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

**Abstract:** Amendment 13 to the FMP for Crustacean Fisheries in the Western Pacific would add deep-water shrimp in the genus *Heterocarpus* to the management unit, and establish Federal permitting and reporting requirements for these shrimp.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

**RIN:** 0648-AV29

**438. • FISHERIES IN THE WESTERN PACIFIC; PRECIOUS CORALS FISHERIES; FMP AMENDMENT 8—GOLD AND BLACK CORAL MANAGEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

**Abstract:** Amendment 8 to the FMP for Precious Coral Fisheries in the Western Pacific would establish the Auau Channel, Hawaii, black coral bed as an Established Bed with an annual harvest quota of 5000 kg (11,023 lb) every 2 years, and would place a 5-year moratorium on the harvest of gold coral in the Western Pacific.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

**RIN:** 0648-AV30

**439. • SOUTH ATLANTIC FISHERY ECOSYSTEM PLAN COMPREHENSIVE AMENDMENT**

**Priority:** Other Significant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

**Abstract:** The purpose of this action is to develop an ecosystem-based approach to resource management. The South Atlantic Council plans to develop a Fishery Ecosystem Plan Comprehensive Amendment, which would modify all its Fishery Management Plans (FMPs). The initial amendment would include the following actions: 1) Require a permit to fish for, harvest, or possess any resource in the EEZ for all recreational and commercial fishermen; 2) various actions to comply with new Essential Fish Habitat requirements; 3) establishment of deep water coral Habitat Areas of Particular Concern, with possible gear limitations; 4) amend the shrimp FMP; 5) amend the Dolphin/Wahoo FMP; 6) consider a total prohibition on harvest of Sargassum, and develop a comprehensive research and monitoring plan; 7) any other actions that may be necessary to implement ecosystem-based fishery management.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**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, 263 13th Avenue  
South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

RIN: 0648-AV31

#### 440. • MODIFICATION MAXIMUM RETAINABLE AMOUNTS (MRAS) FOR SELECTED GROUND FISH SPECIES CAUGHT BY THE NON-AMERICAN FISHING ACT TRAWL CATCHER/PROCESSORS SECTOR

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** NMFS issues this rule to amend regulations specifying the current interval of time allowed for determining the maximum retainable amount (MRA) of selected groundfish species that can be retained by non-American Fishery Act (AFA) trawl catcher/processors (C/P). This action would change MRA regulations located at 50 CFR 679.20(e) that establish the calculation of MRAs for groundfish species that are closed to directed fishing by increasing the interval of time each vessel in this sector would have to retain the MRA specified in regulation for several species in the BSAI. The rule is intended to promote the goals and objectives of the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area.

##### Timetable:

Action	Date	FR Cite
NPRM	04/00/07	
Final Action	09/00/07	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum,  
Acting Administrator, Alaska Region,  
Department of Commerce, National  
Oceanic and Atmospheric  
Administration, P.O. Box 21668,  
Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

RIN: 0648-AV32

#### 441. • COMMUNITY DEVELOPMENT QUOTA REGULATION OF HARVEST

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory amendment would revise fisheries management regulations to ensure that the halibut, sablefish, and pollock community development quota (CDQ) fisheries are managed no more restrictively than comparable individual fishing quota or cooperative fisheries in Alaska. Possible regulatory revisions include those associated with: (1) fisheries observer coverage levels; (2) catch retention and reporting requirements; and (3) an exemption from a licensing requirement.

##### Timetable:

Action	Date	FR Cite
NPRM	05/00/07	
Final Action	08/00/07	

**Regulatory Flexibility Analysis  
Required:** Yes

**Small Entities Affected:** Governmental  
Jurisdictions

**Government Levels Affected:** None

**Agency Contact:** Roy Crabtree,  
Regional Administrator, Southeast  
Region, Department of Commerce,  
National Oceanic and Atmospheric  
Administration, 263 13th Avenue  
South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

RIN: 0648-AV33

#### 442. • REEF FISH AMENDMENT 30 FOR GAG, RED GROUPER, GREATER AMBERJACK, AND GRAY TRIGGERFISH: MEASURES TO END OVERFISHING AND ESTABLISH SFA PARAMETERS

**Priority:** Other Significant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** The purpose of this action is to implement adjustments to the total allowable catch and/or management measures for gag, red grouper, greater amberjack, and gray triggerfish based on recent stock assessments, in order to end overfishing for those species where it is occurring. Additionally,

post-Sustainable Fisheries Act (SFA) benchmarks and reference points for several reef fish species have not yet been approved. Thus, under this rulemaking, post-SFA biological reference points and benchmarks will be defined for various reef fish species that do not currently have approved reference points and benchmarks.

##### Timetable:

Action	Date	FR Cite
NPRM	11/00/07	
NPRM Comment Period End	12/00/07	

**Regulatory Flexibility Analysis  
Required:** Yes

**Small Entities Affected:** Businesses,  
Organizations

**Government Levels Affected:** Federal,  
State

**Agency Contact:** Roy Crabtree,  
Regional Administrator, Southeast  
Region, Department of Commerce,  
National Oceanic and Atmospheric  
Administration, 263 13th Avenue  
South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

RIN: 0648-AV34

#### 443. • ALASKA GROUND FISH FISHERIES SEABIRD AVOIDANCE MEASURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory amendment would revise Alaska groundfish fisheries regulations to apply seabird avoidance gear standards to hook-and-line vessels operating in the Exclusive Economic Zone and portions of inside waters where birds of concern occur. The revision would remove seabird avoidance gear requirements in portions of inside waters where birds of concern do not occur. A weather safety exemption would be added to the regulations for small vessels, and the Seabird Avoidance Plan requirement would be deleted because it was found to be an unnecessary measure to ensure the proper use of seabird avoidance gear.

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	
Final Action	08/00/07	

**Regulatory Flexibility Analysis**

Required: Yes

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

RIN: 0648-AV38

**444. • AMENDMENT 13 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN; INDUSTRY-FUNDED OBSERVER PROGRAM**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to permanently implement the observer service provider mechanism first implemented by emergency action in June 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/07	72 FR 17076
NPRM Comment Period End	05/07/07	
Final Rule	08/00/07	

**Regulatory Flexibility Analysis**

Required: No

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

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

RIN: 0648-AV39

**445. • SPECIFICATIONS FOR THE 2008 ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action would establish fishery specifications for the 2008 Atlantic mackerel, squid, and butterfly fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis**

Required: Yes

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

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

RIN: 0648-AV40

**446. • SPECIFICATIONS FOR THE 2008 SUMMER FLOUNDER, SCUP, AND BLACK SEABASS FISHERIES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action would establish fishery specifications for the 2008 summer flounder, scup, and black seabass fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

**Regulatory Flexibility Analysis**

Required: Yes

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

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

RIN: 0648-AV41

**447. • SPECIFICATIONS FOR THE 2008-2010 SURFLAM AND OCEAN QUAHOG FISHERIES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action would establish fishery specifications for the 2008-2010 surfclam and ocean quahog fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis**

Required: Yes

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

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

RIN: 0648-AV42

**448. • AMENDMENT 7 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEABASS FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action would establish a revised procedure and flexibility for changing biological reference points to adjust to best available scientific information.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis**

Required: Yes

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

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

RIN: 0648-AV43

## DOC—NOAA

## Proposed Rule Stage

**449. • AMENDMENT 4 TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION'S (COMMISSION) INTERSTATE FISHERIES MANAGEMENT PLAN (ISFMP) FOR WEAKFISH****Priority:** Other Significant**Legal Authority:** 16 USC 5101 et seq**CFR Citation:** 50 CFR 697**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NOAA Fisheries) amends its regulations to modify management restrictions in the Federal weakfish fishery in a manner consistent with the Commission's Weakfish Management Board's (Board) approved Addendum II to Amendment 4 to the ISFMP for Weakfish. In short, the Federal regulatory change would decrease the incidental catch allowance for weakfish in the EEZ in non-directed fisheries using smaller mesh sizes, from 300 pounds to no more than 150 pounds per day or trip, whichever is longer in duration. The Board's action was taken in response to a significant decline in stock abundance and increasing total mortality since 1999. As a result of the stock's overfished status, the Board was required under Amendment 4 to the ISFMP for Weakfish to adjust the management program to help rebuild spawning stock biomass. This issue is compounded by the fact that natural mortality, rather than fishing mortality, has been indicated as the lead cause for stock decline. This regulatory change would not increase or decrease the number of weakfish actually caught, but could reduce by up to 150 pounds the amount of bycatch that could be landed.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

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

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

RIN: 0648-AV44

**450. • REEF FISH REGULATORY AMENDMENT FOR VERMILION SNAPPER TO REVISE MANAGEMENT MEASURES****Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

**Abstract:** The purpose of the regulatory amendment is to revise management measures implemented through Amendment 23 to the FMP for the Reef Fish Fishery of the Gulf of Mexico. These management measures need to be revised because a recent stock assessment resulted in a change of stock status to not overfished or undergoing overfishing. The regulatory amendment contains two management alternatives. Alternative 1 is the no action alternative and would maintain the regulations implemented by Amendment 23. Preferred Alternative 2 reverses management measures originally implemented by Amendment 23. Specifically, the actions in Preferred Alternative 2 include: reducing the recreational and commercial minimum size limit from 11 to 10 inches total length; ending the April 22-May 31 commercial seasonal closure; eliminating the 10 fish bag limit for vermilion snapper; and retaining vermilion snapper in the current 20-fish aggregate bag limit for those reef fish species without a species-specific bag limit.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

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

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

RIN: 0648-AV45

**451. • CATCH ACCOUNTING REQUIREMENTS FOR PROCESSORS/FIRST RECEIVERS PARTICIPATING IN THE PACIFIC WHITING SHORESIDE FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1851**CFR Citation:** 50 CFR 660**Legal Deadline:** None

**Abstract:** The purpose of this regulatory amendment is to establish catch accounting requirements for persons who receive, buy, or accept Pacific whiting deliveries of 4,000 pounds (lb) or more from vessels using mid-water trawl gear during the primary season. The Pacific whiting shoreside fishery needs to have an improved catch accounting system in place to better track the catch of Pacific whiting and other groundfish species, including overfished groundfish species, such that the optimum yields, harvest guidelines, sector allocations, and bycatch limits are not exceeded, or that the fishing industry is not unnecessarily constrained. The action would also provide for timely reporting of Chinook salmon take as specified in the Endangered Species Act Section 7 Biological Opinion for Chinook salmon catch in the Pacific groundfish fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/07	72 FR 17469
NPRM Comment Period End	04/24/07	
Final Rule	06/00/07	

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

**Agency Contact:** Becky Renko, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Seattle, WA 98115  
Phone: 206 526-6140  
Fax: 206 526-6736  
Email: becky.renko@noaa.gov

RIN: 0648-AV46

**452. • RECREATIONAL CHARTER HALIBUT FISHERY MANAGEMENT MEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773 et seq**CFR Citation:** 50 CFR 300

## DOC—NOAA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** The purpose of this regulatory amendment is to implement management measures that would reduce fishing mortality in the guided recreational fishery in the Pacific Halibut Commission's (Commission) area 2C while preserving the opportunity to harvest two halibut per day. This action is also intended to further the management goals of the Commission under the Northern Pacific Halibut Act of 1982.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/07	72 FR 17071
NPRM Comment Period End	04/23/07	
Final Action	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AV47

**453. • AMENDMENT 15 TO THE PACIFIC COAST SALMON FMP—DE MINIMIS FISHING OPPORTUNITY FOR KLAMATH RIVER FALL RUN CHINOOK SALMON**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** The purpose of Amendment 15 is to provide limited opportunity for harvest when fisheries would otherwise be closed to mitigate severe economic consequences to local communities and States that would otherwise occur. The provisions of this amendment are designed to be implemented during times when the conservation objective for the Klamath River fall Chinook stock precludes fishery access to co-mingled Chinook salmon stocks. While this amendment seeks to provide additional management flexibility in times of low Klamath River fall Chinook abundance, the overriding purpose of the Fishery Management

Plan remains to preserve the long-term productive capacity of the stock and thereby ensure it continues to contribute meaningfully to ocean and river fisheries in the future. This amendment is not designed to provide for a sizeable fishery, nor is it designed to allow fishing levels that would deplete the stock.

Specifically, Amendment 15 would allow the Council to implement de minimis fisheries, which would: permit an ocean impact rate cap of 10 percent on age-4 Klamath River fall Chinook, if the projected natural spawning escapement associated with a 10 percent age-4 ocean impact rate, including river recreational and tribal impacts, is between 22,000 and 35,000. During the preseason planning process, the Council could further reduce the cap by considering the following issues: (a) Critically low natural spawner abundance, including the risk of Klamath Basin substocks dropping below crucial genetic thresholds; (b) a series of low spawner abundance in recent years; (c) the status of co-mingled stocks; (d) El Nino or other adverse environmental conditions; (e) Endangered Species Act considerations; and (f) other considerations as appropriate.

If the projected natural escapement associated with a 10 percent ocean impact rate is less than 22,000, the Council shall reduce the allowable age-4 ocean impact rate to reflect the status of the stock. Although this language does not require stopping fishing below 22,000 natural spawners, the regions believe it will be difficult to justify fishing below this level.

It is worth noting that de minimis fishing levels could have been implemented only twice in the last 23 years. (Run size projections have been greater than 35,000 in all other years.) Amendment 15 is, therefore, designed to mitigate the consequences of complete fishery closures likely to occur only occasionally under the current FMP. For perspective, the ocean impact rate on KRFC approved in 2006 was 11.5 percent. De minimis levels allowed for under Amendment 15 would, therefore, in all cases, be more conservative than those allowed in 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

Action	Date	FR Cite
NPRM Comment Period End	11/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Sarah Joy McAvinchey, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115  
Phone: 206 526-4323  
Fax: 206-526-6736

**RIN:** 0648-AV07

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 216.101 to 216.108

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) 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 issuing of 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	08/00/07	
NPRM Comment Period End	10/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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

## DOC—NOAA

## Proposed Rule Stage

Oceanic and Atmospheric  
Administration, Office of Protected  
Resources, 1315 East–West Highway,  
Silver Spring, MD 20912  
Phone: 301 713–2055  
Email: ken.hollingshead@noaa.gov

RIN: 0648–AQ71

**455. TAKING AND IMPORTING OF  
MARINE MAMMALS; TAKING MARINE  
MAMMALS INCIDENTAL TO  
ASSESSING NAVAL SHIP  
SURVIVABILITY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 216

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) expects to receive a request from the U.S. Navy for an authorization under the Marine Mammal Protection Act to take marine mammals, by harassment, injury, and possible mortality, incidental to conducting a shock trial along the U.S. East Coast/Gulf of Mexico. Shock trials are required to test the survivability of naval ship assets in accordance with section 2366, title 10 United States Code. As a result of this request, NMFS will propose new regulations, that if implemented, would govern the incidental taking of marine mammals by the Navy for this activity. In order to promulgate regulations and issue an Letter of Authorization thereunder, NMFS must determine that the takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kenneth Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13600, Silver Spring, MD 20910  
Phone: 301 713–2289  
Fax: 301 713–2521  
Email: ken.hollingshead@noaa.gov

RIN: 0648–AT77

**456. TAKING AND IMPORTING OF  
MARINE MAMMALS; TAKING MARINE  
MAMMALS INCIDENTAL TO  
DEPLOYMENT OF A NAVAL AT–SEA  
GUNNERY SCORING SYSTEM**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 216.101

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy for an authorization under the Marine Mammal Protection Act to take marine mammals, by harassment, incidental to deployment of a Naval At-Sea Gunnery Scoring System for the purpose of proficiency certification of U.S. Atlantic Fleet ships for naval surface fire support both within and seaward of established military operating areas. As a result of this request, NMFS is proposing regulations, that if implemented, would govern the incidental taking of marine mammals by the Navy. In order to promulgate regulations and issue Letters of Authorization thereunder, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** James H. Lecky, Assistant Regional Administrator, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, No. 4200, Long Beach, CA 90802  
Phone: 502 980–4015  
Fax: 502 980–4027

RIN: 0648–AT78

**457. TAKING AND IMPORTING OF  
MARINE MAMMALS; TAKING MARINE  
MAMMALS INCIDENTAL TO TESTING  
AND TRAINING OF THE NAVY'S  
SURVEILLANCE TOWED ARRAY  
SENSOR SYSTEM—LOW FREQUENCY  
ACTIVE SONAR**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 216.101

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy for an authorization under the Marine Mammal Protection Act to take marine mammals, by harassment, incidental to testing and training activities related to the Surveillance Towed Array Sensor System-Low Frequency Active Sonar. The Navy is currently issued Letters of Authorization (LOA) under rulemaking scheduled to end on August 15, 2007. As a result of this request, NMFS will propose new regulations that, if implemented, would govern the incidental taking of marine mammals by the Navy for this activity. In order to promulgate regulations and issue LOAs thereunder, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kenneth Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13600, Silver Spring, MD 20910  
Phone: 301 713–2289  
Fax: 301 713–2521  
Email: ken.hollingshead@noaa.gov

RIN: 0648–AT80

**458. TAKING AND IMPORTING OF  
MARINE MAMMALS; TAKING MARINE  
MAMMALS INCIDENTAL TO NAVAL  
TRAINING OPERATIONS AT THE  
EAST COAST SHALLOW WATER  
TRAINING RANGE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 216.101

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the U.S. Navy for an authorization under the Marine Mammal Protection Act to take marine



## DOC—NOAA

## Proposed Rule Stage

mammals, by harassment, incidental to naval vessels conducting shallow water anti-submarine training exercises in a specified area along the U.S. East Coast. As a result of this request, NMFS is proposing regulations, that if implemented, would govern the incidental taking of marine mammals by harassment and non-serious auditory impairment. In order to promulgate regulations and issue Letters of Authorization thereunder, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

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

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

**RIN:** 0648-AT81

#### 459. TAKING AND IMPORTING OF MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO U.S. AIR FORCE AIR-TO-SURFACE GUNNERY EXERCISES IN THE NORTHERN GULF OF MEXICO

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216.101**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the U.S. Air Force, Eglin Air Force Base (AFB), for an authorization under the Marine Mammal Protection Act to take marine mammals, by harassment, incidental to conducting air-to-surface gunnery testing and training exercises from an AC-130 gunship within the waters of the northern Gulf of Mexico adjacent to Eglin AFB. As a result of this request, NMFS will propose regulations, that if implemented, would govern the incidental taking of marine mammals by Eglin AFB for this activity. In order to promulgate regulations and issue a Letter of

Authorization (LOA) thereunder, NMFS must determine that the takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/07	

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

**Agency Contact:** James H. Lecky, Assistant Regional Administrator, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, No. 4200, Long Beach, CA 90802  
Phone: 502 980-4015  
Fax: 502 980-4027

**RIN:** 0648-AT82

#### 460. TAKING AND IMPORTING OF MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO NAVAL EXPLOSIVES ORDNANCE TESTING AND TRAINING EXERCISES IN THE NORTHERN GULF OF MEXICO

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216.101**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the U.S. Air Force, Eglin Air Force Base (AFB), for an authorization under the Marine Mammal Protection Act to take marine mammals, by harassment, incidental to conducting naval explosives ordnance disposal school exercises within the waters of the northern Gulf of Mexico adjacent to Eglin AFB. As a result of this request, NMFS will propose regulations, that if implemented, would govern the incidental taking of marine mammals by Eglin AFB for this activity. In order to promulgate regulations and issue a Letter of Authorization (LOA) thereunder, NMFS must determine that the takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

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

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

**RIN:** 0648-AT83

#### 461. SPINNER DOLPHINS IN THE MAIN HAWAIIAN ISLANDS

**Priority:** Other Significant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service is considering regulations to protect wild spinner dolphins (*Stenella longirostris*) in the main Hawaiian Islands from human activities that have the potential to cause "take," as defined in the Marine Mammal Protection Act and its implementing regulations, or to otherwise adversely affect the dolphins. The scope of this action encompasses the activities of any person or conveyance that may result in the unauthorized taking of spinner dolphins and/or that may diminish the value to the dolphins of habitat routinely used by them for resting and/or that may cause detrimental individual-level and population-level impacts.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/12/05	70 FR 73426
ANPRM Comment Period End	01/11/06	
NPRM	12/00/07	

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

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

**RIN:** 0648-AU02

## DOC—NOAA

## Proposed Rule Stage

**462. TAKING AND IMPORTING MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO NAVAL SURF-ZONE EXPLOSIVE ORDNANCE DISPOSAL SCHOOL TRAINING OPERATIONS AT EGLIN AIR FORCE BASE, FLORIDA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531**CFR Citation:** 50 CFR 216**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from Eglin Air Force Base (EAFB) to take marine mammals by Level B harassment incidental to Naval Explosive Ordnance Disposal School (NEODS) training operations, which include up to 30 detonations per year of small C-4 charges, off Santa Rosa Island (SRI) at EAFB. This action would implement regulations to govern that take. In order to issue a Letter of Authorization (LOA) and issue final regulations governing the take, NMFS must determine that the taking will have a negligible impact on the species or stocks and will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses.

**Timetable:**

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

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

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

**RIN:** 0648-AU53**463. • TAKING MARINE MAMMALS INCIDENTAL TO CONSTRUCTION OF THE KNIK ARM BRIDGE, ANCHORAGE, ALASKA****Priority:** Routine and Frequent**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216.100**Legal Deadline:** None

**Abstract:** NMFS has received a request from the Knik Arm Bridge and Toll

Authority for an authorization to take marine mammals, by harassment, incidental to construction of the Knik Arm Bridge in Alaska during the period 2007 through 2012. In order to issue regulations and authorize the take, NMFS must determine that the taking will have a negligible impact on the affected species and stocks of marine mammals, will not have an unmitigable adverse impact on subsistence uses of marine mammals and will be at the lowest level practicable.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

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

**Agency Contact:** Kenneth Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13600, Silver Spring, MD 20910  
Phone: 301 713-2289  
Fax: 301 713-2521  
Email: ken.hollingshead@noaa.gov

**RIN:** 0648-AU96**464. • SEA TURTLE CONSERVATION; VIRGINIA MODIFIED POUND NET LEADER INSPECTION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 223**Legal Deadline:** None

**Abstract:** With this action, NMFS issues a rule to implement an inspection program for modified pound net leaders in the Virginia waters of the mainstem Chesapeake Bay. Regulations published on June 23, 2006 (71 FR 36024) required modified pound net leaders in a portion of the Virginia Chesapeake Bay from May 6 to July 15 each year. This action would ensure that leaders used in that area do, in fact, meet the definition of a modified pound net leader. The purpose of this action is to help protect threatened and endangered sea turtles, while enabling fishermen to use leaders, an important component of pound net gear, during the regulated period.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9297
NPRM Comment Period End	04/02/07	
Final Action	05/00/07	

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

**Agency Contact:** Carrie Upite, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9300  
Email: carrie.upite@noaa.gov

**RIN:** 0648-AU98**465. • POTENTIAL REVISIONS TO THE TURTLE EXCLUDER DEVICE REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1533**CFR Citation:** 50 CFR 222; 50 CFR 223**Legal Deadline:** None

**Abstract:** With this action, NMFS announces that it is considering technical changes to the requirements for turtle excluder devices. Specifically, this action would modify the size of the TED escape opening currently required in the summer flounder fishery; require the use of TEDs in the whelk, calico scallop, and Mid-Atlantic scallop trawl fisheries; require the use of TEDS in flynets; and to move the current northern boundary of the Summer Flounder Fishery-Sea Turtle Protection Area off Cape Charles, Virginia, to a point farther north.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/15/07	72 FR 7382
ANPRM Comment Period End	03/19/07	
NPRM	11/00/07	

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

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701

## DOC—NOAA

## Proposed Rule Stage

Phone: 727 824-5305

Fax: 727 824-5308

RIN: 0648-AV04

**466. • ENDANGERED AND THREATENED SPECIES; DESIGNATION OF CRITICAL HABITAT FOR ELKHORN AND STAGHORN CORALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 to 1544**CFR Citation:** 50 CFR 223**Legal Deadline:** None

**Abstract:** NMFS takes this action to designate critical habitat for elkhorn and staghorn corals, which were recently listed as threatened under the Endangered Species Act (ESA). Areas proposed for designation will be within the current geographic ranges of these species that are under U.S. jurisdiction, including areas in Southeast Florida, Puerto Rico, and the U.S. Virgin Islands.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

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

**Agency Contact:** James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric

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

RIN: 0648-AV35

**467. • AMENDMENTS TO REGULATIONS FOR TUNA PURSE SEINE VESSELS AND FISHING OPERATIONS IN THE EASTERN TROPICAL PACIFIC OCEAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq; 16 USC 951 et seq**CFR Citation:** 50 CFR 216; 50 CFR 300**Legal Deadline:** None

**Abstract:** This rule would amend regulations pertaining to vessels authorized to fish for tuna and tuna-like species in the eastern tropical Pacific Ocean. This rule would: (1) require vessel owners or managing owners of vessels fishing for tuna and tuna-like species to submit information required by the Inter-American Tropical Tuna Commission to list the vessel on the Vessel Register; (2) require that owners or managing owners of purse seine vessels of 400 st (362.8 mt) carrying capacity or less provide annual notification to NMFS to be categorized as active or inactive on the Vessel Register; (3) require owners or managing owners of purse seine vessels on the Vessel Register to notify NMFS prior to transfer of the vessel to foreign registry and flag; (4) allow NMFS to

remove vessels from the Vessel Register if the vessel's documentation is not valid or effective; (5) allow NMFS to remove purse seine vessels from the Vessel Register if their request for active status is determined to be frivolous; (6) request additional information on tuna purse seine vessel and operator permit applications and add an application fee (less than \$50) for the operator permit; and (7) implement resolutions under the Agreement on the International Dolphin Conservation Program regarding floodlight specifications and vessel gear inspections. This rule would also make additional modifications and technical changes.

**Timetable:**

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

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

**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

RIN: 0648-AV37

## Department of Commerce (DOC)

## Final Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

**NATIONAL MARINE FISHERIES SERVICE****468. REQUIRE MANDATORY OBSERVER COVERAGE IN THE AT-SEA PROCESSING SECTOR OF THE WHITING FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660

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

**Abstract:** This action amends the regulations implementing the Pacific Coast Groundfish Fishery Management

Plan to provide for a mandatory, vessel-financed observer program on at-sea processing vessels.

**Timetable:**

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

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

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

RIN: 0648-AK26

**469. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648

## DOC—NOAA

## Final Rule Stage

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Notice	09/06/06	71 FR 52521
NPRM	09/27/06	71 FR 56446
Comment Period End	11/06/06	
NPRM Comment Period End	11/13/06	
Final Action	03/12/07	72 FR 11252
Correction	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AQ87

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/21/07	72 FR 7853
NPRM Comment Period End	03/23/07	
Final Action	05/00/07	

**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: 808 944-2207

**RIN:** 0648-AS29

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 2431 et seq

**CFR Citation:** 50 CFR 300 subpart G

**Legal Deadline:** None

**Abstract:** This amendment to the regulations for Antarctic Marine Living Resources (AMLR) implements measures agreed to by the parties to the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). More specifically, it would require the use of the centralized satellite-linked vessel monitoring system (VMS) by all U.S. vessels harvesting AMLR and would be a condition of export for all dealers seeking to import shipments of toothfish. It would also exempt all shipments of fresh toothfish from the National Marine Fisheries Service preapproval process and allow importers of frozen toothfish to submit the U.S. Customs 7501 entry number subsequent to their initial application for preapproval. This rule would require the use of Electronic Catch Documents, after a 60-day transition period, for all U.S. dealers seeking to import shipments of toothfish into the United States. This rule would also amend certain definitions including "import" and "export." Use of a seal excluder device would be required on krill vessels using trawl gear in CCAMLR waters. Regulations governing scientific observers and vessel information would be modified.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/06	71 FR 39642
NPRM Comment Period End	08/14/06	
Final Action	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

**RIN:** 0648-AS75

**472. AMENDMENT 67 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE GULF OF ALASKA**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 300; 50 CFR 679

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/06	71 FR 64218
NPRM Comment Period End	12/18/06	
Final Action	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**Related RIN:** Merged with 0648-AR90

**RIN:** 0648-AS84

**473. FISHERIES OFF WEST COAST STATES; HIGHLY MIGRATORY SPECIES FISHERIES**

**Priority:** Substantive, Nonsignificant

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

## DOC—NOAA

## Final Rule Stage

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service publishes a correction to the final rule published in the Federal Register on April 7, 2004 (69 FR 18444) to implement the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species. The final rule should have contained the language defining a loggerhead conservation area in which drift gillnet fishing would be prohibited during a declared El Nino year, as published in the Federal Register on December 16, 2003 (68 FR 69962). The intended effect of this action is to ensure that loggerhead sea turtles will receive the necessary protection from excessive takes in El Nino years.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/07	72 FR 4225
NPRM Comment Period End	03/01/07	
Final Action	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

**Related RIN:** Related to 0648-AP42

**RIN:** 0648-AS89

**474. JOINT AMENDMENT TO THE FISHERY MANAGEMENT PLANS FOR THE SHRIMP (AMENDMENT 14) AND REEF FISH FISHERIES (AMENDMENT 27) OF THE GULF OF MEXICO**

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** Shrimp and reef fish in the Gulf of Mexico are managed under their respective FMPs. Both fisheries contribute to fishing mortality of reef fish, especially juvenile and undersized red snapper. Age-0 and Age-1 red snapper are taken by shrimp trawls, and Age-2 and older red snapper are

caught in the directed commercial and recreational red snapper fishery. Red snapper is overfished and undergoing overfishing, and reducing fishing mortality on these younger age classes is needed to help rebuild the stock. Actions to reduce bycatch of red snapper are anticipated to reduce bycatch fishing mortality for other reef fish species as well. The Gulf Council began work on the joint amendment, which will consider a variety of harvesting and gear restrictions to further reduce fishing mortality and fishing effort in the shrimp and red snapper fisheries. In August 2006, the Gulf Council deferred working on this amendment until new information was available in January 2007. However, by postponing the development of a plan amendment, measures to address overfishing during the 2007 fishing season would not occur, further delaying progress in stock recovery. Thus, to address overfishing on the red snapper stock for 2007, NMFS is developing a rulemaking action.

**Timetable:**

Action	Date	FR Cite
NPRM	12/14/06	71 FR 75220
NPRM Comment Period End	01/26/07	
Interim Final Rule	04/02/07	72 FR 15617
Interim Final Rule Effective	05/02/07	
Final Rule	08/00/07	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

**Related RIN:** Merged with 0648-AT86

**RIN:** 0648-AT87

**475. RESOURCE AGENCY PROCEDURES FOR CONDITIONS AND PRESCRIPTIONS IN HYDROPOWER LICENSES**

**Priority:** Other Significant

**Legal Authority:** 16 USC 797(e)

**CFR Citation:** 50 CFR 221

**Legal Deadline:** None

**Abstract:** Pursuant to the Energy Policy Act of 2005 (EPAct), the Departments of Agriculture, Commerce, and Interior are establishing joint procedures for a new category of expedited trial-type hearings. The hearings will resolve disputed issues of material fact with respect to conditions or prescriptions that one or more of the Departments develop for inclusion in a hydropower license issued by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act. The three Departments are also establishing procedures for the consideration of alternative conditions and prescriptions submitted by any party to a license proceeding, as provide in the EPAct.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/17/05	70 FR 69803
Final Action	12/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Melanie Harris, Marine Habitat Resource Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, Office of Habitat Conservation, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-4300  
Fax: 301 713-4305  
Email: melanie.harris@noaa.gov

**Related RIN:** Related to 0648-AC42, Related to 0648-AS55

**RIN:** 0648-AU01

**476. FISHERIES OF THE NORTHEASTERN UNITED STATES; RECORDKEEPING AND REPORTING REQUIREMENTS; REGULATORY AMENDMENT TO MODIFY SEAFOOD DEALER REPORTING REQUIREMENTS; CORRECTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 1801

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) published a document in the Federal Register on April 28, 2005, revising regulations for seafood dealer reporting requirements. That rule also contained a measure authorizing vessel operator permits

## DOC—NOAA

## Final Rule Stage

issued by the NMFS Southeast (SE) Region under regulations governing the Fisheries of the Caribbean, Gulf, and South Atlantic to satisfy NMFS Northeast (NE) Region vessel operator permitting requirements. However, when amending the operator permit section of the regulations to reflect the reciprocal arrangement, NMFS inadvertently removed the summer flounder fishery from the list of fisheries requiring a NE operator permit. This document corrects the April 28, 2005, regulations by adding the summer flounder fishery to the list of fisheries requiring a NE operator permit.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/07	

**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

**Related RIN:** Related to 0648-AS87

**RIN:** 0648-AU05

**477. OBSERVER HEALTH AND SAFETY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq; 5 USC 561

**CFR Citation:** 50 CFR 600

**Legal Deadline:** None

**Abstract:** This rule would enhance the safety of observers and the efficiency of their deployment. These amendments would clarify prohibited actions regarding observers, reinforce that an observer may not be deployed nor stay aboard an unsafe vessel, clarify when a fishing vessel is inadequate for observer deployment and how an owner or operator can resolve discrepancies, improve communications between observer programs and fishing vessel owners and operators, and provide for a National Marine Fisheries Service alternate safety equipment examination of certain small fishing vessels.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/07	72 FR 4226
NPRM Comment Period End	03/01/07	
Final Action	05/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Bonnie Ponwith, Acting Director, Office of Science and Technology, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2367

**RIN:** 0648-AU46

**478. AMENDMENT 85 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS (BSAI) MANAGEMENT AREA; PACIFIC COD ALLOCATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This rulemaking would modify the current Bering Sea and Aleutian Island (BSAI) Pacific cod allocations among the jig, trawl, hook-and-line, and pot gear sectors. The current harvest patterns vary significantly from sector allocations that have been in place since 1997. This action is necessary to establish allocations that better reflect actual use by sector, while considering socio-economic and community factors.

**Timetable:**

Action	Date	FR Cite
Notice	12/07/06	71 FR 70943
NPRM	02/07/07	72 FR 5654
NPRM Comment Period End	03/26/07	
Final Action	07/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric

Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AU48

**479. EXTEND THE NORTH PACIFIC GROUND FISH OBSERVER PROGRAM BEYOND 2007**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service is amending its regulations under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, to extend the North Pacific Groundfish Observer Program (Observer Program) beyond 2007. Regulations governing the Observer Program currently are scheduled to expire on December 31, 2007. This proposed rule would remove the sunset date and ensure the continued, uninterrupted collection of observer information. This information is necessary for many current management and scientific programs for fisheries off the coast of Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	09/29/06	71 FR 57764
NPRM Comment Period End	10/31/06	
Final Action	12/29/06	71 FR 78638
Second NPRM	02/22/07	72 FR 7948
Second NPRM Comment Period End	03/23/07	
Final Action	09/00/07	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AU58

DOC—NOAA

Final Rule Stage

**480. RECREATIONAL SPECIFICATIONS FOR THE 2007 SUMMER FLOUNDER, SCUP, AND BLACK SEABASS FISHERIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action implements recreational management measures for the summer flounder, scup, and black seabass fisheries for 2007.**Timetable:**

Action	Date	FR Cite
NPRM	03/15/07	72 FR 12158
NPRM Comment Period End	03/30/07	
Final Action	06/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AU60**481. REPORTING AND CONSERVATION MEASURES FOR SEA OTTER INTERACTIONS WITH THE PACIFIC SARDINE FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This action would implement new reporting requirements and prohibitive measures under the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The purpose of this action is to comply with the terms and conditions set forth in the incidental take statement section of a biological opinion issued by the U.S. Fish and Wildlife Service (USFWS) regarding the implementation of Amendment 11 to the CPS FMP and its effects on the federally endangered southern sea otter. These reporting requirements and prohibitive measures would require Pacific sardine fishers/vessel operators to employ avoidance measures when sea otters are

present in the fishing area and to report any interactions that may occur between their vessel and/or fishing gear and the otters.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/06	71 FR 70943
NPRM Comment Period End	01/08/07	
Final Action	05/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040**RIN:** 0648-AU72**482. VESSEL LIST TO ESTABLISH ELIGIBILITY TO FISH FOR ALBACORE TUNA IN CANADIAN WATERS UNDER THE U.S. CANADA ALBACORE TUNA TREATY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1821**CFR Citation:** 50 CFR 300**Legal Deadline:** None**Abstract:** This action would amend the National Marine Fisheries Service (NMFS) regulation on international fisheries to clarify: 1) a vessel list is effective only for one calendar year and will be recompiled beginning on January 1 of each year, 2) a vessel owner seeking to be eligible to fish under the U.S. Canada Albacore Tuna Treaty must submit the required information to NMFS to be added to the vessel list for a specific year, and 3) how and where to obtain the current vessel.**Timetable:**

Action	Date	FR Cite
NPRM	02/07/07	72 FR 5652
NPRM Comment Period End	03/09/07	
Final Action	05/00/07	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

**RIN:** 0648-AU78**483. RESTRICTIONS FOR 2007 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 951 to 961; 16 USC 971**CFR Citation:** 50 CFR 300**Legal Deadline:** None**Abstract:** The National Marine Fisheries Service announces the 2007 conservation and management measures for international tuna fisheries in the eastern tropical Pacific Ocean. The purse seine fishery will be closed for six weeks and any national longline fishery which reaches a catch level for bigeye tuna equal to the 2001 catch levels will also be closed. The intended effect of this rule is to establish prohibition of U.S. vessels purse seine fishing for tuna in the Inter-American Tropical Tuna Commission (IATTC) Convention Area from November 20 to December 31, and to announce the closure of the U.S. longline fishery. This will conform to the IATTC recommendation that was approved by the State Department.**Timetable:**

Action	Date	FR Cite
NPRM	02/26/07	72 FR 8333
NPRM Comment Period End	03/28/07	
Final Action	06/00/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040**RIN:** 0648-AU79

## DOC—NOAA

## Final Rule Stage

**484. ATLANTIC HAGFISH COLLECTION OF INFORMATION REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This rule will implement changes to the NE fishery regulations, at 50 CFR part 648, to require that any vessel owner/operator who intends to fish for, catch, and/or land hagfish in or from the exclusive economic zone be required to take an observer on board their vessel when requested to do so, and requires dealers who purchase hagfish to obtain a permit and report on their hagfish purchases.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/06	71 FR 64214
NPRM Comment Period End	12/01/06	
Final Action	05/00/07	

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

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

**RIN:** 0648-AU80**485. ATLANTIC HIGHLY MIGRATORY SPECIES; SWORDFISH COMMERCIAL MANAGEMENT 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:** The National Marine Fisheries Service proposes regulatory changes to the commercial management measures for the Atlantic swordfish fishery to support the fleet's ability to fully harvest the U.S. domestic quota. The proposed regulatory changes may include adjustments to vessel upgrading restrictions and incidental trip limits consistent with other applicable requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/28/06	71 FR 68784
Hearing	01/03/07	72 FR 96
NPRM Comment Period End	01/31/07	
Final Action	06/00/07	

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

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

**RIN:** 0648-AU86**486. • REDUCE OVERFISHING OF ATLANTIC SEA SCALLOPS IN THE 2007 FISHING YEAR BY MODIFYING THE ELEPHANT TRUNK ACCESS AREA MANAGEMENT MEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** The interim final rule would delay the opening of the Elephant Trunk Access Area (ETAA) until March 1, 2007, reduce the maximum number of trips per vessel in the ETAA from 5 trips to 3, reduce the number of general category fleet trips from 1,360 to 865 trips in the ETAA, and prohibit the retention of more than 50 U.S. bushels of in-shell scallops outside of the boundaries of the sea scallop access areas.

**Timetable:**

Action	Date	FR Cite
Interim Rule	12/22/06	71 FR 76945
Interim Final Rule Comment Period End	01/22/07	
Final Action	06/00/07	

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

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

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

**Related RIN:** Related to 0648-AT25**RIN:** 0648-AV05**487. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); ATLANTIC SHARK COMMERCIAL SEASON LENGTHS****Priority:** Routine and Frequent**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This rule would adjust regional quotas and announce season lengths for the 2007 second and third trimester seasons for large coastal sharks (LCS), small coastal sharks (SCS), and pelagic sharks managed under the 2006 Final Consolidated Atlantic Highly Migratory Species Fishery Management Plan. This action is necessary to ensure that quotas are based upon the most recent landings information and account for any over- or underharvests from the 2006 second and third trimester seasons.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/07	72 FR 10480
NPRM Comment Period End	03/28/07	
Final Action	06/00/07	

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

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

**RIN:** 0648-AV09**488. • ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINITION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1826d**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service takes this action to



## DOC—NOAA

## Final Rule Stage

define “illegal, unreported, or unregulated fishing,” as required by Section 403 (Section 609(e)) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. This definition will apply to fishing in areas under the competence of regional fisheries management organizations or arrangements, or otherwise beyond the jurisdiction of any nation, and the fish caught in such operations.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/07	

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

**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–AV23**489. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); TEMPORARY SUSPENSION OF REQUIREMENT TO USE CIRCLE HOOKS IN ATLANTIC BILLFISH TOURNAMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This rule would temporarily suspend regulations finalized in the Final Highly Migratory Species (HMS) Consolidated Fishery Management Plan (October 2, 2006; 71 FR 58058) that limits all HMS permitted vessels participating in Atlantic billfish tournaments to deploying only non-offset circle hooks when using natural baits or natural bait/artificial lure combinations. The purpose of this rule is to temporarily suspend the requirement to use circle hooks in Atlantic billfish tournaments to provide an additional fishing season for recreational anglers to become more familiar with circle hooks.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/07	72 FR 12154

Action	Date	FR Cite
NPRM Comment Period End	03/30/07	
Final Action	06/00/07	

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

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910  
Phone: 301 713–2334

**RIN:** 0648–AV25**490. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1372 (c)**CFR Citation:** 50 CFR 216**Legal Deadline:** None

**Abstract:** This rule will revise and simplify criteria and procedures specific to permits for taking, transporting, importing, and exporting protected species for public display and provide convenient formats for reporting marine mammal captive holdings and transports as required by amendments made in 1994 to the Marine Mammal Protection Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Withdraw Proposed Rule	06/00/07	

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

**Agency Contact:** Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and

Atmospheric Administration, 1315 East–West Highway, Silver Spring, MD 20910

Phone: 301 713–2289

**RIN:** 0648–AH26**491. 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:** The National Marine Fisheries Service is regulating subsistence harvest of Cook Inlet Beluga to ensure that the harvest is sustainable and does not substantially delay the recovery of this marine mammal stock. Specific harvest levels and distribution of the harvest will be based upon cooperative agreements with Alaska native organizations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/00	65 FR 59164
NPRM Comment Period End	11/27/00	
Final Rule	04/06/04	69 FR 17973
Final Action	07/00/07	

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

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586–7221  
Fax: 907 586–7249

**RIN:** 0648–AO16**492. TAKING MARINE MAMMALS INCIDENTAL TO NAVY OPERATIONS****Priority:** Other Significant**Legal Authority:** 16 USC 1371 et seq**CFR Citation:** 50 CFR 216**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service is amending its regulations governing the taking of marine mammals incidental to

## DOC—NOAA

## Final Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/04	69 FR 38873
NPRM Comment Period End	07/29/04	
Final Action	12/00/07	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal

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

RIN: 0648-AR99

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

**Priority:** Other Significant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 224**Legal Deadline:** None

**Abstract:** This action would implement modifications of the Atlantic Large Whale Take Reduction Plan (ALWTRP). The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act. The commercial fishery

requirements provided in this rule are intended to implement the additional requirements recommended by the Atlantic Large Whale Take Reduction Team and NMFS.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35894
Comment Period Extended	07/13/05	70 FR 40301
NPRM Comment Period End	07/21/05	
Final Action	02/00/08	

**Regulatory Flexibility Analysis**

Required: Yes

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

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

RIN: 0648-AS01

#### 494. RIGHT WHALE SHIP STRIKE REDUCTION

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

**Legal Authority:** 16 USC 1361**CFR Citation:** 50 CFR 224**Legal Deadline:** None

**Abstract:** These regulations would establish speed restrictions to reduce the number of deaths to North Atlantic right whales as a result of collisions with vessels, which account for more confirmed right whale deaths than any other anthropogenic cause. Speed restrictions would be limited to areas and times when North Atlantic right whales and ships overlap to reduce the likelihood of ship strikes to the extent practicable.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/01/04	69 FR 30857
ANPRM Comment Period Extended	07/09/04	69 FR 41446
ANPRM Comment Period Extended	09/13/04	69 FR 55135
NPRM	06/26/06	71 FR 36299
NPRM Comment Period End	08/25/06	
Comment Period Extended	08/14/06	71 FR 46440

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

**Regulatory Flexibility Analysis**

Required: Yes

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

**Public Compliance Cost:** Yearly Recurring Cost: \$116,000,000; Base Year for Dollar Estimates: 2005

**URL For More Information:**

www.nmfs.noaa.gov/pr/pr2

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

Peter Robbins, Attorney Advisor, Department of Commerce, 14th & Constitution Avenue NW., Washington, DC 20230

Phone: 202 482-0846

Email: probbins@doc.gov

RIN: 0648-AS36

#### 495. TAKING AND IMPORTING OF MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO THE EXPLOSIVE REMOVAL OF OFFSHORE STRUCTURES IN THE GULF OF MEXICO

**Priority:** Other Significant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216.101**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the Minerals Management Service (MMS), U.S. Department of the Interior, on behalf of offshore operators, for authorization to harass marine mammals incidental to explosive severance activities at offshore oil and gas structures in the Gulf of Mexico outer continental shelf. In compliance with Outer Continental Shelf Lands Act regulations and MMS guidelines, operators are required to remove sea-floor obstructions from their leases within one year of lease termination or after a structure has been deemed obsolete or unusable. As a result of this request, NMFS is proposing regulations, that if implemented, would govern the incidental taking of marine mammals

## DOC—NOAA

## Final Rule Stage

under individual Letters of Authorization (LOAs) issued to participants in this industry to take marine mammals by harassment and non-serious auditory impairment. In order to promulgate regulations and issue LOAs thereunder, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/06	71 FR 17790
NPRM Comment Period End	05/22/06	
Final Action	07/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Kenneth Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13600, Silver Spring, MD 20910  
Phone: 301 713-2289  
Fax: 301 713-2521  
Email: ken.hollingshead@noaa.gov

**RIN:** 0648-AT79

#### 496. 12-MONTH FINDING ON PETITION TO LIST PUGET SOUND STEELHEAD AS AN ENDANGERED OR THREATENED SPECIES UNDER THE ESA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 to 1543

**CFR Citation:** 50 CFR 223

**Legal Deadline:** NPRM, Statutory, September 13, 2006.

**Abstract:** The National Marine Fisheries Service has determined that naturally spawned winter- and summer-run steelhead populations and two hatchery steelhead stocks, below natural and manmade impassable barriers, in the river basins of the Strait of Juan de Fuca, Puget Sound, and Hood Canal (Washington) constitute a Distinct Population Segment (DPS) and hence a "species" for listing consideration under the Endangered Species Act (ESA). After reviewing the best available scientific and commercial information, evaluating threats facing the species, and taking into account those efforts being made to protect the

species, we conclude that the Puget Sound steelhead DPS is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. This action would list the Puget Sound steelhead DPS as a threatened species under the ESA.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/06	71 FR 15666
NPRM Comment Period End	06/27/06	
Final Action	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Fax: 301-427-2523  
Email: marta.nammack@noaa.gov

**RIN:** 0648-AU43

#### 497. AUTHORIZE OBSERVER COVERAGE OF FISHERIES TO MONITOR SEA TURTLE INTERACTIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 223.206

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) amends its regulations to establish a requirement for State and Federal fisheries that operate in areas where sea turtles may be present and likely to interact with such fishing operations to take an observer on board when requested to do so by NMFS. All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act. Therefore, measures are necessary both to monitor the level of takes occurring as well as to reduce takes to recover sea turtle species. This measure is necessary to adequately document sea turtle interactions with fishing operations, to evaluate existing measures to reduce sea turtle takes, and to determine whether additional measures to address sea turtle takes may be necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/06	71 FR 76265
NPRM Comment Period End	02/20/07	
Final Action	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**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-AU81

#### 498. • RULE AMENDING GILLNET MANAGEMENT MEASURES FOR RIGHT WHALE PROTECTION IN THE SOUTHEAST U.S. RESTRICTED AREA

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 229

**Legal Deadline:** None

**Abstract:** With this action, NMFS issues a rule to revise regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) by: expanding the Southeast U.S. Restricted Area to include waters within 35 nautical miles of the South Carolina coast; dividing the Southeast U.S. Restricted Area into Southeast U.S. Areas North and South; and modifying regulations pertaining to gillnetting within the Southeast U.S. Restricted Area. NMFS issues this proposed rule under the ALWTRP regulations at 50 CFR 229.32(g)(1) and (g)(2). These amendments are in response to a January 2006 death of a right whale calf from gillnet gear entanglement, and recommendations from the Atlantic Large Whale Take Reduction Team's Mid-Atlantic Southeast Subgroup and the Marine Mammal Commission.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/06	71 FR 66482
NPRM Comment Period End	12/15/06	
Final Action	05/00/07	

DOC—NOAA

Final Rule Stage

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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

**RIN:** 0648-AU90

**499. • PUGET SOUND STEELHEAD REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531

**CFR Citation:** 50 CFR 223

**Legal Deadline:** None

**Abstract:** We, NMFS, are proposing to issue protective regulations under section 4(d) of the Endangered Species Act (ESA) for a distinct population segment (DPS) of steelhead in Puget Sound, Washington, presently proposed for listing as a threatened species. The 4(d) regulations prohibit the take of listed species, unless a "limit" applies for specified categories of activities determined to be adequately protective of listed salmonids.

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/07	72 FR 5648

Action	Date	FR Cite
NPRM Comment	03/09/07	
Period End		
Final Action	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Fax: 301-427-2523  
Email: marta.nammack@noaa.gov

**RIN:** 0648-AV18

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

Fax: 415 561-6616  
Email: maria.brown@noaa.gov  
**RIN:** 0648-AT14

Phone: 831 647-4201  
Fax: 831 647-4250  
Email: william.douros@noaa.gov  
**RIN:** 0648-AT15

**500. GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 922.80 to 922.84

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/06	71 FR 59337
NPRM Comment	01/05/07	
Period End		
Final Action	08/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Maria Brown, Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Gulf of the Farallones National Marine Sanctuary, Fort Mason, Building 201, San Francisco, CA 94123  
Phone: 415 561-6622

**501. MONTEREY BAY NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 922.130 to 922.134

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/06	71 FR 59050
NPRM Comment	01/05/07	
Period End		
Final Action	08/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William J. Douros, Superintendent, Department of Commerce, National Oceanic and Atmospheric Administration, Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940

**502. CHANNEL ISLANDS NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 922.70 to 922.72

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/06	71 FR 29096
NPRM Comment	07/21/06	
Period End		
Final Action	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Christopher Mobley, Superintendent, Department of Commerce, National Oceanic and Atmospheric Administration, Channel Islands National Marine Sanctuary, 113 Harbor Way, Suite 150, Santa Barbara, CA 93109  
Phone: 805 966-7107

## DOC—NOAA

## Final Rule Stage

Fax: 805 568-1582  
Email: chris.mobley@noaa.gov

RIN: 0648-AT17

**503. CONSIDERATION OF MARINE RESERVES AND MARINE CONSERVATION AREAS WITHIN THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 922.70 to 922.72

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/06	71 FR 46134
NPRM Comment Period End	10/10/06	
Final Action	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

RIN: 0648-AT18

**OFFICE OF THE ADMINISTRATOR**

**504. CORDELL BANK NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 922.110 to 922.112

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/06	71 FR 59039
NPRM Comment Period End	01/05/07	
Final Action	08/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

RIN: 0648-AT16

**Department of Commerce (DOC)**

**Long-Term Actions**

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

**NATIONAL MARINE FISHERIES SERVICE**

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

**Priority:** Other Significant

**CFR Citation:** 50 CFR 697

**Timetable:**

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495

Action	Date	FR Cite
ANPRM Comment Period End	06/09/05	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia A. Kurkul  
Phone: 978 281-9200

RIN: 0648-AT31

**506. AMENDMENT 15 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 648

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** Patricia A. Kurkul  
Phone: 978 281-9200

RIN: 0648-AU36

## DOC—NOAA

## Long-Term Actions

**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****507. 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

Phone: 301 713-3155

Fax: 301 713-4367

Email: david.kaiser@noaa.gov

**RIN:** 0648-AP98**NATIONAL OCEAN SERVICE/OFFICE OF MINERAL ENERGY****508. COASTAL ZONE MANAGEMENT ACT FEDERAL CONSISTENCY REGULATIONS**

Priority: Other Significant

CFR Citation: 15 CFR 930

**Timetable:**

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

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

Phone: 301 713-3155

Fax: 301 713-4367

Email: david.kaiser@noaa.gov

**RIN:** 0648-AR16**OFFICE OF THE ADMINISTRATOR****509. REGIONAL MARINE RESEARCH PROGRAM**

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Don Scavia

Phone: 301 713-3060

**RIN:** 0648-AF20**Department of Commerce (DOC)****National Oceanic and Atmospheric Administration (NOAA)****Completed Actions****510. MEASURES TO PREVENT OR MITIGATE AND CONSERVE, MANAGE, AND ALLOW FULL UTILIZATION OF SHARKS**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 665

Legal Deadline: None

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

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/20/07	

**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: 808 944-2207

**RIN:** 0648-AN76**511. IMPLEMENTATION OF THE REGULATORY CHANGES RESULTING FROM THE AMENDMENTS AND EXTENSION OF THE SOUTH PACIFIC TUNA ACT**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 973; PL 100-330

CFR Citation: 50 CFR 300

Legal Deadline: None

**Abstract:** This rule would implement the regulatory changes resulting from the recently renegotiated Treaty on Fisheries between the governments of Certain Pacific Island States and the Government of the United States, 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

## DOC—NOAA

## Completed Actions

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, the rule would 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	08/10/06	71 FR 45752
NPRM Comment Period End	10/10/06	
Final Action	02/09/07	72 FR 6144

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AP61

**512. INDIVIDUAL FISHING QUOTA FOR GUIDED RECREATIONAL CHARTER HALIBUT FISHERY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 1540

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This action would establish a control date announcing that anyone entering the Charter Sport Fishery for Pacific Halibut in and off Alaska after December 9, 2005, (control date), will not be assured of future access to that fishery if a management regime that limits the number of participants is developed and implemented under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act).

**Timetable:**

Action	Date	FR Cite
ANPRM	02/08/06	71 FR 6442
Withdrawn	02/23/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AR96

**513. FISH AND SEAFOOD PROMOTION ACT PROVISIONS; SEAFOOD MARKETING COUNCILS**

**Priority:** Other Significant

**Legal Authority:** 16 USC 4001 to 4017

**CFR Citation:** 50 CFR 270

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/06	71 FR 3797
NPRM Comment Period End	02/23/06	
Final Rule	04/11/07	72 FR 18105
Final Rule Effective	05/11/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AS09

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

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** The purpose of the IFQ program proposed in Amendment 26 is to reduce overcapacity in the commercial red snapper fishery and to eliminate, to the extent possible, the problems associated with derby fishing, in order to assist the Council in achieving optimum yield from the fishery. Additionally, an IFQ program could also help reduce discard mortality. The main action in this amendment (Action 1) would establish an IFQ program. The following actions (Actions 2-11) would determine the structure of the program. These actions are: IFQ program duration; ownership caps and restrictions on IFQ share certificates; eligibility for initial IFQ allocation; initial apportionment of IFQ shares; establishment and structure of an appeals process; transfer eligibility requirements; use-it-or-lose-it clause for IFQ shares or allocations; adjustments in commercial quota; use of a vessel monitoring system; and a cost recovery plan. Initial eligibility into the IFQ program would be restricted to United States citizens and permanent resident aliens who own a Class 1 or Class 2 red snapper license. Initial IFQ shares would be allotted proportionately among eligible participants based on the average annual landings associated with their current license(s).

**Timetable:**

Action	Date	FR Cite
Notice	08/02/06	
NPRM	08/24/06	71 FR 50012
NPRM Comment Period End	09/28/06	
Comment Period End	10/02/06	
Final Action	11/22/06	71 FR 67447

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

## DOC—NOAA

## Completed Actions

Administration, 263 13th Avenue  
South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

RIN: 0648-AS67

### 515. INDIVIDUAL FISHING QUOTA PROGRAM; RESTRUCTURE DATE-SPECIFIC QUOTA SHARE REGULATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679; 50 CFR 300

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Withdrawn	02/23/07	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

RIN: 0648-AS77

### 516. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); ATLANTIC SHARK COMMERCIAL MANAGEMENT MEASURES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

**Abstract:** This rule would require vessels fishing for sharks with bottom longline gear to have the National Marine Fisheries Service's approved

dehooking devices and materials on board during fishing activities. These devices are intended to reduce post-hooking mortality of sea turtles that may interact with this fishing gear and are already required on vessels using pelagic longline gear fishing for Highly Migratory Species, including sharks. In addition, these measures may reduce the post-release mortality of marine mammals, sharks, and other fishes. This rule would also implement measures complementary to the closures that were required by the Caribbean Sustainable Fisheries Act Amendment and that were implemented to minimize adverse impacts to Essential Fish Habitat mutton snapper, red hind, and other reef-dwelling species.

#### Timetable:

Action	Date	FR Cite
NPRM	03/29/06	71 FR 15680
NPRM Comment Period End	06/27/06	
Final Action	02/07/07	72 FR 5633

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

RIN: 0648-AT37

### 517. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT PROVISIONS; FISHERIES OF THE NORTHEASTERN U.S.; FISHERY CLOSURE DUE TO THE PRESENCE OF THE TOXIN THAT CAUSES PARALYTIC SHELLFISH POISONING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1855(c)

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) is promulgating this rule to close portions of Federal waters off the Gulf of Maine, Georges Bank, and southern New England to the harvest of shellfish (bivalves), with the exception of sea scallop adductor muscles harvested and

shucked at sea, due to the presence of the toxin that causes paralytic shellfish poisoning. The concentrations of the toxins in State and adjacent Federal waters is great enough to warrant a public health emergency. The closure will remain in effect until the circumstances that created the emergency no longer exist.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	06/16/05	70 FR 35047
Interim Final Rule Comment Period End	07/18/05	
Final Rule	09/09/05	70 FR 53580
Correction	10/03/05	
Final Rule	10/18/05	70 FR 60450
Final Rule	12/28/05	70 FR 76713
Final Rule	06/30/06	71 FR 37505

#### 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-AT48

### 518. OMNIBUS AMENDMENTS TO FISHERY MANAGEMENT PLANS TO ADDRESS ESSENTIAL FISH HABITAT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC et seq

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would refine essential fish habitat designations in New England based on the most recent scientific information.

#### Timetable:

Action	Date	FR Cite
Withdrawn	02/23/07	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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



## DOC—NOAA

## Completed Actions

Phone: 978 281-9200

RIN: 0648-AT57

**519. SPECIFICATIONS FOR THE 2007 FISHING YEAR FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would establish specifications for the 2007 fishing year for the summer flounder, scup, and black sea bass fisheries.**Timetable:**

Action	Date	FR Cite
NPRM	10/27/06	71 FR 62972
NPRM Comment Period End	11/17/06	
Final Action	12/14/06	71 FR 75134
Final Rule	01/19/07	72 FR 2458

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

RIN: 0648-AT60

**520. SPECIFICATIONS FOR THE 2007 FISHING YEAR FOR THE SURFCLAM AND OCEAN QUAHOG FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would establish specifications for the 2007 fishing year for the surfclam and ocean quahog fishery.**Timetable:**

Action	Date	FR Cite
Withdrawn	02/23/07	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200

RIN: 0648-AT61

**521. SPECIFICATIONS FOR THE 2007 FISHING YEAR FOR THE TILEFISH FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would establish specifications for the 2007 fishing year for the tilefish fishery.**Timetable:**

Action	Date	FR Cite
NPRM	09/06/06	71 FR 52519
NPRM Comment Period End	09/21/06	
Withdrawn	10/30/06	71 FR 63277

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

RIN: 0648-AT63

**522. SPECIFICATIONS FOR THE 2007 FISHING YEAR FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would establish specifications for the Atlantic mackerel, squid, and butterfish fisheries for the 2007 fishing year.**Timetable:**

Action	Date	FR Cite
NPRM	12/05/06	71 FR 70493
NPRM Comment Period End	01/04/07	

Action	Date	FR Cite
Final Action	01/30/07	72 FR 4211
Correction	02/07/07	72 FR 5643
Correction	02/27/07	72 FR 8632

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

RIN: 0648-AT65

**523. SPECIFICATIONS FOR THE 2007 FISHING YEAR FOR THE ATLANTIC HERRING FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would establish specifications for the Atlantic herring fishery for the 2007 fishing year.**Timetable:**

Action	Date	FR Cite
Final Rule	04/10/07	72 FR 17807
Final Rule Effective	05/10/07	

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

RIN: 0648-AT66

**524. SPECIFICATIONS FOR THE 2007 FISHING YEAR FOR THE ATLANTIC BLUEFISH FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would establish specifications for the Atlantic bluefish fishery for the 2007 fishing year.

## DOC—NOAA

## Completed Actions

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/06	71 FR 68524
NPRM Comment Period End	12/27/06	
Final Action	01/31/07	72 FR 1461

**Regulatory Flexibility Analysis**

Required: Yes

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

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

RIN: 0648-AT67

**525. 2006 SCALLOP RESEARCH SET-ASIDE REQUEST FOR PROPOSALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action is a solicitation for research projects to be conducted in accordance with requirements of Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan, Framework 16 to the Atlantic Sea Scallop FMP and Framework 39 to the Northeast Multispecies FMP (Joint Framework); and with NOAA grant-review and award procedures. Amendment 10 established a procedure through which 2 percent of the overall Days-At-Sea (DAS) for use in open areas and 2 percent of the overall Total Available Catch (TAC) in Sea Scallop Access Areas for a given fishing year are set-aside by the New England Fishery Management Council as a mechanism to fund sea scallop research. Each year, NOAA Fisheries Service and the Councils issue a Request for Proposals (RFP) that identifies priorities for sea scallop research projects to be conducted under an RSA Program. The total value of the set-asides available for scallop-related research in fishing year 2006 is approximately \$4.46 million dollars (79 percent from the open area DAS set-aside, 6 percent from the Closed Area I Access Area and 15 percent from the Nantucket Lightship Access Area). NOAA Fisheries anticipates issuing

Letters of Authorization to allow participating vessels to harvest scallops used as compensation to fund the research project, as well as Letters of Acknowledgment for research trips where appropriate.

**Timetable:**

Action	Date	FR Cite
Final Action	10/18/06	71 FR 60790

**Regulatory Flexibility Analysis**

Required: No

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

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

RIN: 0648-AT68

**526. WESTERN PACIFIC BOTTOMFISH FMP: AMENDMENT 9 TO LIMIT LARGE VESSEL FISHING EFFORT AROUND GUAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 665**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service is taking action to close Federal waters within 50 nautical miles around Guam to bottomfish fishing by vessels longer than 50 feet, and to require these vessels that land bottomfish management unit species in Guam to comply with Federal permitting and logbook reporting requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/14/06	71 FR 46441
NPRM Comment Period End	09/22/06	
Notice	07/24/06	71 FR 41770
Comment Period End	09/23/06	
Final Action	11/02/06	71 FR 64474

**Regulatory Flexibility Analysis**

Required: Yes

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

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

Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814

Phone: 808 944-2207

RIN: 0648-AT94

**527. WESTERN PACIFIC OMNIBUS: BOTTOMFISH AMENDMENT 8, AMENDMENT 12 CRUSTACEANS, AND AMENDMENT 6 PRECIOUS CORALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 665**Legal Deadline:** None

**Abstract:** The Western Pacific Fishery Management Council (WPFMC) is establishing new permitting and reporting requirements for the Commonwealth of the Northern Mariana Islands (CNMI) and the Pacific Remote Island Areas (PRIAs). They do this by including domestic fisheries that offload or operate in Federal waters around the CNMI and PRIAs under the WPFMC's fishery management plans for crustaceans, precious corals, and bottomfish.

**Timetable:**

Action	Date	FR Cite
Notice	06/07/06	71 FR 32911
NPRM	06/23/06	71 FR 36049
Comment Period End	08/07/06	
NPRM Comment Period End	08/07/06	
Final Action	12/01/06	71 FR 69495

**Regulatory Flexibility Analysis**

Required: Yes

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

**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 944-2207

**Related RIN:** Merged with 0648-AL67, Merged with 0648-AR65, Merged with 0648-AS31, Merged with 0648-AS63

RIN: 0648-AT95

## DOC—NOAA

## Completed Actions

**528. FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC; GULF OF MEXICO RECREATIONAL GROUPEL FISHERY MANAGEMENT MEASURES****Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

**Abstract:** Secretarial Amendment 1 to the Reef Fish Fishery Management Plan was implemented by NOAA's National Marine Fisheries Service (NMFS) on July 15, 2004, and established a rebuilding plan, a 5.31 MP GW commercial quota, and a 1.25 MP GW recreational target catch level for red grouper. NMFS implemented interim regulations to reduce recreational grouper landings in August 2005. These regulations were extended in January 2006 for an additional 180 days. NMFS implements this action to establish more permanent management measures for the recreational grouper fishery. These management measures are needed to return recreational red grouper landings to levels specified in the rebuilding plan and prevent or minimize impacts on gag and other grouper resulting from more restrictive recreational red grouper regulations. This rule would reduce the bag limit for red grouper and prohibit captain and crew from retaining bag limits of grouper while under charger, implement size limits and vessel limits. This rule would also establish a 1-month spawning season closure for red, gag, and black grouper.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/06	71 FR 16275
NPRM Comment Period End	05/01/06	
Final Action	06/15/06	71 FR 34534
Final Rule	11/17/06	71 FR 66878

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

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305

Fax: 727 824-5308

**Related RIN:** Split from 0648-AT12**RIN:** 0648-AU04**529. AMENDMENT 18 (BYCATCH MINIMIZATION) TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

**Abstract:** Amendment 18 modifies the Pacific Coast groundfish FMP to implement a bycatch minimization program. Over the past several years, the Pacific Fishery Management Council (Council) has used a broad suite of informal bycatch minimization policies that have been formally organized and brought into the FMP through Amendment 18. This FMP amendment also sets the Council's future plans for bycatch minimization programs into the FMP to provide comprehensive direction for its current and future bycatch minimization efforts in Pacific Coast groundfish fishery management. Amendment 18 is intended to respond to court orders in *Pacific Marine Conservation Council v. Evans*, 200 F.Supp.2d 1194 (N.D. Calif. 2002) to establish a bycatch minimization program in the FMP. NMFS has previously complied with the court's orders from this same case under Amendment 16-1 to the FMP, in which it established a standardized bycatch reporting methodology as a required element of the FMP. Regulations to implement Amendment 18 would: Establish that species co-occurrence ratios will be used in setting trip limits and other management measures; revise routine management measures authority to allow the use of area closures to protect all species, not just overfished species; and revise observer regulations to clarify NMFS' authority to place observers on board vessels that participate in non-target fisheries that take groundfish incidentally to their target fishing operations.

**Timetable:**

Action	Date	FR Cite
Notice	06/09/06	71 FR 33432
NPRM	06/27/06	71 FR 36506

Action	Date	FR Cite
NPRM Comment Period End	08/08/06	
Final Action	11/13/06	71 FR 66122

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

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

**RIN:** 0648-AU12**530. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST QUOTAS FOR PACIFIC MACKEREL****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, July 1, 2006, The CPS fisheries regulations require that the annual specifications for Pacific mackerel be published before July 1, the start of the fishing year.

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/06	71 FR 61944
NPRM Comment Period End	11/20/06	
Final Rule	01/31/07	72 FR 4461

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

## DOC—NOAA

## Completed Actions

**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-AU27

**531. MODIFICATION TO THE "OTHER SPECIES" COMPLEX 2006 AND 2007 TOTAL ALLOWABLE CATCH (TAC) AMOUNTS IN THE GULF OF ALASKA (GOA)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service revises the final 2006 and 2007 harvest specifications for the "other species" complex in the Gulf of Alaska (GOA) by reducing the total allowable catch (TAC) for the complex to 4,500 metric tons (mt) annually. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/06	71 FR 39046
NPRM Comment Period End	08/10/06	
Final Action	10/31/06	71 FR 63704

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert D. Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249

**Related RIN:** Related to 0648-AT92

**RIN:** 0648-AU52

**532. CORRECT AND CLARIFY 2005 ATLANTIC MACKEREL, SQUID AND BUTTERFISH FISHERY SPECIFICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) amends its regulations to restore certain measures that were taken out of effect on January 1, 2006. A final rule implementing the specifications for the 2005 fishing year for Atlantic mackerel, squid, and butterfish (MSB) clarified the expiration date of the limited entry program for Illex squid, established a minimum mesh requirement for the butterfish fishery, and removed a regulatory requirement for annual specifications to be published by a specific date. Those regulatory measures were intended to be permanent, unlike the specifications themselves, which expired January 1, 2006. Due to an error in the final rule, these three measures expired on January 1, 2006. This action would restore those regulatory requirements. This action is being taken by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**Timetable:**

Action	Date	FR Cite
NPRM	08/02/06	71 FR 43707
NPRM Comment Period End	08/17/06	
Final Action	10/30/06	71 FR 63268

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**Related RIN:** Related to 0648-AR56

**RIN:** 0648-AU54

**533. AMENDMENT TO NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN; GEORGES BANK FIXED GEAR SECTOR OPERATIONS PLAN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** Amendment 13 to the Fishery Management Plan (FMP) established a process for the formation of sectors (modification of the FMP), and established a process for annual approval of proposed sector operations (Regional Administrator approval of Operations Plan). Framework Adjustment (FW) 42 to the FMP, if approved, would create the Georges Bank (GB) Cod Fixed Gear Sector (Fixed Gear Sector), the second approved sector of the FMP. Creation of the Fixed Gear Sector would authorize the Regional Administrator to allocate a hard Total Allowable Catch (TAC) to the Fixed Gear Sector and exempt members from FMP restrictions on an annual basis. In order for the Sector to be allocated GB cod, the Sector must submit an Operations Plan to the Regional Administrator for approval annually. The Operations Plan and Sector Contract must contain certain elements, including a contract signed by all Sector participants and a plan containing the management rules that the Sector participants agree to abide by, in order to avoid exceeding the allocated TAC. This action announces and requests comment on the Operations Plan and allocation of a GB cod to the Fixed Gear Sector for fishing year 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/06	71 FR 48903
NPRM Comment Period End	09/21/06	
Final Action	11/29/06	71 FR 69070

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

## DOC—NOAA

## Completed Actions

Phone: 978 281-9200

RIN: 0648-AU56

**534. AMENDMENT 16-4 (OVERFISHED SPECIES REBUILDING) TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN AND THE 2007-2008 GROUND FISH HARVEST SPECIFICATIONS AND MANAGEMENT MEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** Other, Statutory, August 24, 2006, Notice of Availability, NPRM, Statutory, September 22, 2006. Final, Statutory, December 31, 2006.

**Abstract:** The National Marine Fisheries Service amends its regulations to implement Amendment 16-4 to the Pacific Coast groundfish FMP. This action implements new rebuilding goals for seven overfished species managed under the FMP. Amendment 16-4 responds to a recent ruling in the 9th Circuit Court of Appeals to develop overfished species rebuilding plans that rebuild the stocks within a time period that is "as short as possible, taking into account the status and biology of any overfished stocks, the needs of fishing communities... and the interactions of the overfished stock of fish within the marine ecosystem." Commercial management measures include landings limits, size limits, gear restrictions, and time/area closures. Recreational management measures include bag limits, size limits, gear restrictions, and time/area closures. The specifications and management measures that would be implemented by this action would be in effect from January 1, 2007, through December 31, 2008.

**Timetable:**

Action	Date	FR Cite
Notice	09/01/06	71 FR 52051
Comment Period End	10/31/06	
NPRM	09/29/06	71 FR 57764
NPRM Comment Period End	10/31/06	
Final Rule	12/29/06	71 FR 78638
Final Rule—Correction	03/20/07	72 FR 13043

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Mark Helvey, Assistant Regional Administrator for

Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

RIN: 0648-AU57

**535. SOLICITATION OF PROPOSALS FOR RESEARCH SET-ASIDE QUOTA FOR MID-ATLANTIC FISHERIES FOR 2008****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action implements management measures for the monkfish fishery for 2007.**Timetable:**

Action	Date	FR Cite
Withdrawn Will Be Completed By Another Action	02/23/07	

**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-AU64

**536. FISHERY SPECIFICATIONS FOR THE 2007 MONKFISH FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action implements management measures for the monkfish fishery for 2007, including trip limits and days-at-sea allocations. This is a routine annual adjustment as required by the Monkfish Fishery Management Plan and will affect holders of monkfish permits during the fishing year that extends from May 1, 2007, through April 30, 2008.

**Timetable:**

Action	Date	FR Cite
Merged With	02/23/07	
0648-AU34		

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

RIN: 0648-AU65

**537. SOLICITATION OF PROPOSALS FOR RESEARCH SET-ASIDE QUOTA FOR MONKFISH FOR 2008****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action solicits proposals for research set-aside quota in the monkfish fishery for 2008, as authorized by the Monkfish Fishery Management Plan. This is a competitive process by which researchers may apply for and be granted days-at-sea in the monkfish fishery to fund research on monkfish.

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/23/07	

**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-AU66

**538. SOLICITATION OF PROPOSALS FOR RESEARCH SET-ASIDE QUOTA FOR ATLANTIC SEA SCALLOP FOR 2008****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This action solicits proposals for research set-aside quota in the Atlantic sea scallop fishery for 2008,

## DOC—NOAA

## Completed Actions

as authorized by the Atlantic Sea Scallop Fishery Management Plan. This is a competitive process by which researchers may apply for and be granted days-at-sea and/or access area trips in the scallop fishery to fund research on Atlantic sea scallops.

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/23/07	

**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-AU67

**539. AMEND REGULATIONS PERTAINING TO PROTECTED RESOURCE CLOSURES IN THE UNITED STATES WEST COAST SWORDFISH/THRESHER SHARK DRIFT GILLNET FISHERY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801 et seq; 16 USC 1531 et seq

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** The Pacific Fisheries Management Council (Council) is considering alternatives for amending the northern boundary of the protected resource closure area embodied in Section 660.713 of the Highly Migratory Species Fishery Management Plan. This action is being taken to enhance enforcement capabilities and address protected species conservation efforts.

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/23/07	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Craig Heberer, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
Phone: 760 431-9440  
Fax: 562 980-4047

Email: craig.heberer@noaa.gov

**RIN:** 0648-AU75

**540. REGULATIONS FOR THE DEVELOPMENT OF BIOLOGICAL REFERENCE POINTS FOR THE UNITED STATES WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This action would incorporate biological reference points into the Highly Migratory Species (HMS) Fishery Management Plan. The biological reference points are required under the Magnuson-Stevens Fishery Conservation and Management Act and will allow NMFS to address potential overfishing concerns in the HMS fisheries.

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/23/07	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Craig Heberer, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802  
Phone: 760 431-9440  
Fax: 562 980-4047  
Email: craig.heberer@noaa.gov

**RIN:** 0648-AU76

**541. AMENDMENT TO NET MESH SIZE MEASUREMENT REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action will revise the methodology for measuring fishing net mesh size in the Northeast Region. Fishing net mesh size is measured by inserting a wedge-shaped gauge into the mesh opening with a force of a specified weight. This regulatory change will increase the weight used to measure mesh size from 5 kg to 8 kg for mesh 5 inches and larger, to be

consistent with international practices. This is a minor change that will likely result in fewer fishermen being cited for net size violations as a result of their nets shrinking as they are used.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/06	71 FR 56098
NPRM Comment Period End	10/26/06	
Final Rule	02/26/07	72 FR 8287

**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-AU83

**542. ATLANTIC SHARK SEASONS AND QUOTAS FOR FIRST TRIMESTER 2007**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

**Abstract:** This rule would adjust regional quotas and announce season lengths for large and small coastal sharks, and pelagic sharks managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks. This rule would also consider additional measures to address a large overharvest of large coastal sharks that occurred in the South Atlantic region in the first trimester of 2006. This rule is necessary to ensure that quotas are based upon the most recent landings information and account for any over- or underharvests from the 2006 first trimester season.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/06	71 FR 58778
NPRM Comment Period End	11/01/06	
Comment Period Extended	11/13/06	71 FR 64213
Final Rule	12/14/06	71 FR 75122

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

## DOC—NOAA

## Completed Actions

**Agency Contact:** Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

**RIN:** 0648-AU84

**543. • CHANGE IN PROCESS FOR RENEWING AND REPLACING HIGHLY MIGRATORY SPECIES VESSEL OWNER PERMITS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** The action would modify the process NMFS uses to renew and replace permits issued to vessel owners participating in the U.S. West Coast highly migratory species (HMS) fishery fisheries managed under the HMS fishery management plan. This action would modify the renewal process by substituting the last day of the month designated by the last digit of the vessel identification number with the last day of the managing vessel owner's birth month as determining the renewal date for expiring permits. Also, under this action, vessel owners requiring a duplicate permit would need to provide written notification to NMFS. These regulations are needed to improve the efficiency and timeliness by NMFS in issuing permits to manage owners of vessels participating in U.S. West Coast HMS fisheries when renewing their expiring permits or replacing their lost or mutilated permits. This action is intended to meet the conservation and management requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/06	71 FR 70939
NPRM Comment Period End	01/08/07	
Final Action	03/12/07	72 FR AU91

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of

Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

**Related RIN:** Related to 0648-AP42

**RIN:** 0648-AU91

**544. • FISHERIES OFF WEST COAST STATES; PACIFIC COAST GROUND FISH FISHERY; ESTABLISH A CONTROL DATE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** NMFS and the Council intend to consider a groundfish fishery management plan (FMP) amendment and management measures to reduce harvest capacity in the open access portion of the Pacific Coast groundfish fishery in Federal waters off Washington, Oregon, and California. A control date for the open access sector is intended to promote awareness of potential eligibility criteria for future access to the open access portion of the Pacific Coast groundfish fishery. The control date is also intended to discourage new entrants into this fishery and increase fishing effort based on economic speculation while the Council contemplates whether and how access should be controlled. Vessels entering the fisheries after September 13, 2006, may be subject to restrictions different from those that apply to vessels in the fishery prior to September 13, 2006. If catch history is used as a basis for future participation or allocation, it is likely that participation in the fishery after September 13, 2006, would not count toward future allocations or participation in a limited access scheme. NMFS previously announced a control date of November 5, 1999, for an open access license limitation program (65 FR 6577, February 10, 2000). However, NMFS and the Council recognized that open access fishery participation has changed over the last seven years and the 1999 control date may no longer be appropriate for this fishery. Therefore, a new control date of September 13, 2006, reflects more recent participation in the fishery and changes in fishery management.

**Timetable:**

Action	Date	FR Cite
Final Action	11/02/06	71 FR 64216

**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-AU94

**545. • FISHERIES IN THE WESTERN PACIFIC; REMOVAL OF DELAYED EFFECTIVENESS WHEN CLOSING HAWAII SHALLOW-SET LONGLINE FISHERY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 665

**Legal Deadline:** None

**Abstract:** This regulatory amendment would permanently remove a seven-day delayed effectiveness after notification for closure of the shallow-set component of the Hawaii longline fishery as a result of reaching interaction limits for sea turtles. The intended effect of this action is to afford enhanced protection to loggerhead and leatherback sea turtles.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/07	72 FR 1700
NPRM Comment Period End	01/31/07	
Final Action	02/26/07	72 FR 9289

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Phone: 808 944-2207

**Related RIN:** Related to 0648-AU41

**RIN:** 0648-AU99

## DOC—NOAA

## Completed Actions

**546. • ESTABLISH A REVISED CONTROL DATE FOR THE COMMERCIAL KING MACKEREL FISHERY IN THE SOUTH ATLANTIC EXCLUSIVE ECONOMIC ZONE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

**Abstract:** This notice announces that the South Atlantic Fishery Management Council (SAFMC) is considering additional management measures to further limit the number of participants or levels of participation in the commercial fishery for Atlantic group king mackerel in the exclusive economic zone (EEZ) of the South Atlantic and Mid-Atlantic region. If such management measures are implemented, the SAFMC is considering June 15, 2004, as a possible control date where anyone who entered the fishery after that date would not be assured of future access.

**Timetable:**

Action	Date	FR Cite
Final Action	12/05/06	71 FR 70492

**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, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

**RIN:** 0648-AV02**547. • PACIFIC HALIBUT FISHERIES; CATCH SHARING PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773 et seq**CFR Citation:** 50 CFR 300

**Legal Deadline:** NPRM, Statutory, December 31, 2006.  
Final, Statutory, March 1, 2007.

**Abstract:** NMFS publishes this action to implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) Regulatory Area 2A off Washington, Oregon, and California (Area 2A).

NMFS would implement the portions of the Plan and management measures that are not implemented through the IPHC, which includes the sport fishery management measures for Area 2A. NMFS also would revise the Area 2A non-treaty commercial fishery closed areas, codified at 50 CFR part 300, subpart E. These actions are intended to enhance the conservation of Pacific halibut, to protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries, and to provide greater angler opportunity where available.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/07	72 FR 1690
NPRM Comment Period End	02/02/07	
Final Action	03/14/07	72 FR 11792

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

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

**RIN:** 0648-AV03**548. • FISHERIES IN THE WESTERN PACIFIC; WESTERN PACIFIC PRECIOUS CORALS FISHERIES; ESTABLISH A CONTROL DATE FOR THE BLACK CORAL FISHERY IN THE AU'AU CHANNEL, HAWAII****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 665**Legal Deadline:** None

**Abstract:** The Western Pacific Fishery Management Council (Council) adopted a control date of December 21, 2006, applicable to persons who are contemplating entering the precious coral fishery for black corals in the Au'au Channel, Hawaii. The purpose of this action is to notify fishermen who may be interested in participating in the black coral fishery after December 21, 2006, that they may not be assured of future access to the fishery if the Council and/or NMFS decide to limit entry, or impose other measures to manage the fishery. Neither the Council

nor NMFS has yet decided whether to limit new entry or impose other measures in this fishery, nor have they decided what other management measures might be implemented for the fishery.

**Timetable:**

Action	Date	FR Cite
Final Action	03/02/07	72 FR 9500

**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: 808 944-2207

**RIN:** 0648-AV26**549. 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	
Withdrawn	01/04/07	

**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



## DOC—NOAA

## Completed Actions

**550. TAKING AND IMPORTING OF MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO U.S. AIR FORCE PRECISION STRIKE WEAPONS EXERCISES IN THE NORTHERN GULF OF MEXICO****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361**CFR Citation:** 50 CFR 216.101**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the U.S. Air Force, Eglin Air Force Base, for an authorization under the Marine Mammal Protection Act to take marine mammals, by harassment, incidental to conducting precision strike weapons testing and training exercises within the waters of the northern Gulf of Mexico adjacent to Eglin AFB. As a result of this request, NMFS proposes regulations, that if implemented, would govern the incidental taking of marine mammals by Eglin AFB for this activity. In order to promulgate regulations and issue an LOA thereunder, NMFS must determine that the takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/06	71 FR 44001
NPRM Comment Period End	09/05/06	
Final Action	11/24/06	71 FR 67810

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

**Agency Contact:** James H. Lecky, Assistant Regional Administrator, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, No. 4200, Long Beach, CA 90802  
Phone: 502 980-4015  
Fax: 502 980-4027

**Related RIN:** Related to 0648-AK76**RIN:** 0648-AT39**551. LIST OF FISHERIES FOR 2006****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229**Legal Deadline:** None

**Abstract:** The List of Fisheries (LOF) for 2006 reflects new information on

interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the Marine Mammal Protection Act (MMPA) based upon the levels of mortality and serious injury of marine mammals that occurs within each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/06	71 FR 20941
NPRM Comment Period End	05/24/06	
Final Action	08/22/06	71 FR 48802

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

**Agency Contact:** Kristy Long, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Room 13738, Silver Spring, MD 20910  
Phone: 301 713-2322  
Fax: 301 427-2522  
Email: kristy.long@noaa.gov

**RIN:** 0648-AU19**552. DESIGNATION OF CRITICAL HABITAT FOR THE SOUTHERN RESIDENT KILLER WHALE (ORCINUS ORCA)****Priority:** Other Significant**Legal Authority:** 16 USC 1533**CFR Citation:** 50 CFR 226

**Legal Deadline:** NPRM, Statutory, July 18, 2006, Early enough to allow for a 60-day comment period and revisions. Final, Statutory, November 18, 2006, Statutory under ESA.

**Abstract:** The National Marine Fisheries Service is proposing to designate critical habitat for the endangered Southern Resident killer whale (*Orcinus orca*), as required under the Endangered Species Act. Three specific areas proposed for designation comprise about 2,567 square miles of marine habitat in Puget Sound, Strait of Juan de Fuca, and San Juan Islands areas. We are soliciting public comment on this proposal. The final

determination is due November 18, 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/06	71 FR 34571
NPRM Comment Period End	08/14/06	
Final Action	11/28/06	71 FR 69054

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

**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.

**Agency Contact:** Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Fax: 301-427-2523  
Email: marta.nammack@noaa.gov

**RIN:** 0648-AU38**553. • ESA EMERGENCY RULE CLOSING RIGHT WHALE CORE CALVING AREA TO GILLNET FISHING****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1533(b)(7)**CFR Citation:** 50 CFR 229**Legal Deadline:** None

**Abstract:** With this action, NMFS issues an emergency rule to close the core right whale calving area to gillnet fishing. NMFS considers the core right whale calving area to include waters off Northeast Florida (north of 29° 00' N lat.) and Georgia, from shore eastward to 80° 00' W long., and off South Carolina within 35 nautical miles of the coast. NMFS issues this emergency rule under the Endangered Species Act (16 U.S.C. 1533(b)(7)). This emergency rule is issued to prevent significant risk to the well-being of highly endangered right whales in the right whale's only known calving area during the right whale's winter calving season.

**Timetable:**

Action	Date	FR Cite
Final Action	11/15/06	71 FR 66469

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

## DOC—NOAA

## Completed Actions

**Government Levels Affected:** State

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

**Related RIN:** Related to 0648-AU90

**RIN:** 0648-AU95

**554. • EMERGENCY RULE TO CORRECT THE CONFIGURATION OF CHAIN MATS REQUIRED IN THE MID-ATLANTIC SEA SCALLOP DREDGE FISHERY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 223

**Legal Deadline:** None

**Abstract:** National Marine Fisheries Service (NMFS) issues this emergency rule to correct the configuration requirements for the chain-mat modified dredges required in the mid-Atlantic sea scallop fishery. This rule would apply to all vessels with a Federal Atlantic sea scallop fishery permit and sea scallop dredge-gear fishing south of 41° 9.0' N. latitude from the shoreline to outer boundary of the Exclusive Economic Zone (EEZ) from May 1 through November 30 each year. This rule is being promulgated under the Endangered Species Act (ESA) to ensure that the chain-mat modified dredge will provide the protection to sea turtles that was expected from a rulemaking.

**Timetable:**

Action	Date	FR Cite
Final Action	11/16/06	71 FR 66466

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**Related RIN:** Related to 0648-AS92

**RIN:** 0648-AU97

**555. • LIST OF FISHERIES FOR 2007**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 229

**Legal Deadline:** None

**Abstract:** With this action, NMFS issues a rule to publish the annual List of Fisheries (LOF), as required by section 118 of the Marine Mammal Protection Act (MMPA). The proposed LOF for 2007 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the MMPA based upon the levels of mortality and serious injury of marine mammals that occurs within each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/06	71 FR 70339
NPRM Comment Period End	01/03/07	
Final Action	03/28/07	72 FR 14466

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Agency Contact:** Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean & Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-3086

James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2332

**RIN:** 0648-AV01

**556. GRAY'S REEF NATIONAL MARINE SANCTUARY**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62033
NPRM Comment Period End	12/31/03	
Final Action	10/12/06	71 FR 60055

**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

**557. CERTIFICATION REQUIREMENTS FOR NOAA ELECTRONIC NAVIGATIONAL CHART DISTRIBUTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 995

**Legal Deadline:** NPRM, Statutory, December 19, 2004, By not later than 2 years after the date of enactment of the HSIA Amendments of 2002. Mandate to certify hydrographic products that satisfy the standards promulgated by the Administrator no later than 2 years after the date of enactment of the Hydrographic Services Improvement Act Amendments of 2002.

**Abstract:** The National Oceanic and Atmospheric Administration (NOAA) amends its regulations to add certification requirements with standards for applicants who want to distribute NOAA Electronic Navigational Charts (NOAA ENCs) as official data. NOAA intends to offer two types of certification. The first

## DOC—NOAA

## Completed Actions

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

intends by this action to assure that quality official NOAA ENC data is offered to the public in support of safe navigation on U.S. waters.

**Timetable:**

Action	Date	FR Cite
NPRM	10/15/04	69 FR 61165
Final Action	09/06/05	70 FR 52906

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

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

**URL For Public Comments:**  
nauticalcharts.noaa.gov/mcd/enc/indes.htm

**Agency Contact:** Julia Powell, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coast Survey, 1315 East West Highway, Silver Spring, MD 20910

Phone: 301 713-0388  
Email: julia.powell@noaa.gov

**RIN:** 0648-AR87

## Department of Commerce (DOC)

## Completed Actions

## National Telecommunications and Information Administration (NTIA)

**558. IMPLEMENT AND ADMINISTER A COUPON PROGRAM FOR DIGITAL-TO-ANALOG CONVERTER BOXES**

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

**Legal Authority:** PL 109-171

**CFR Citation:** 47 CFR 301

**Legal Deadline:** None

**Abstract:** Pursuant to the Digital Television Transition and Public Safety Act of 2005 (the Act), the National Telecommunications and Information Administration (NTIA) proposes to implement a digital-to-analog converter box coupon program. The Act, among other things, requires the Federal Communications Commission (FCC) to require full-power television stations to cease analog broadcasting by February 18, 2009. Recognizing that consumers may wish to continue receiving broadcast programming over the air using analog-only televisions not

connected to cable or satellite service, the Act authorizes NTIA to create an assistance program to provide \$40 coupons to consumers for use toward the purchase of digital-to-analog converter boxes. Without converter boxes, consumers with analog-only television sets will be unable to view full-power television broadcasts unless they purchase digital television sets or subscribe to cable or satellite service.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/06	71 FR 42067
Final Action	03/15/07	72 FR 12097

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This action would establish the eligibility criteria, application process, coupon value and use restrictions, and manufacturer and retailer certification process. To

implement this program, the Act authorizes NTIA to use up to \$990 million to fund the program, including \$100 million for program administration. NTIA is also authorized to expend up to \$1.5 billion for the program, including \$160 million for administration, upon a 60-day notice and certification to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the \$990 million is insufficient to fulfill coupon requests for eligible U.S. households.

**Agency Contact:** Milton Brown, Deputy Chief Counsel, Department of Commerce, National Telecommunications and Information Administration, 14th & Pennsylvania Avenue, NW., Washington, DC 20230  
Phone: 202 482-1816  
Fax: 202 501-8013  
Email: mbrown@ntia.doc.gov

**RIN:** 0660-AA16

## Department of Commerce (DOC)

## Prerule Stage

## Patent and Trademark Office (PTO)

**559. THE DUTY OF CANDOR AND INEQUITABLE CONDUCT IN PROSECUTION OF PATENT APPLICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2

**CFR Citation:** 37 CFR 1.56

**Legal Deadline:** None

**Abstract:** The U.S. Patent and Trademark Office (USPTO), under its 35 USC Section 2 authority to prescribe procedural rules, is seeking comment on alternatives to provisions of its current Rule 1.56, establishing obligations to disclose information to the Office in patent application prosecution. The notice will also articulate how the USPTO interprets

the implementation of its ethics rules concerning registered patent practitioners for information disclosure. Finally, the notice recognizes the influence of the judicial doctrine of inequitable conduct on submission to the USPTO and seeks public comment on the extent of that influence and possible alternatives.

## DOC—PTO

## Prerule Stage

**Timetable:**

Action	Date	FR Cite
Notice of Inquiry	07/00/07	
Notice of Inquiry Comment Period End	09/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kyu S. Lee, Associate  
Counsel, Department of Commerce,

Patent and Trademark Office, Office of  
the General Counsel, P.O. Box 15667,  
Arlington, VA 22215  
Phone: 571 272-6421  
Fax: 571 273-0099  
Email: lee.kyu@uspto.gov  
**RIN:** 0651-AC04

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

## Proposed Rule Stage

**560. CHANGES TO REPRESENTATION  
OF OTHERS BEFORE THE U.S.  
PATENT AND TRADEMARK OFFICE**
**Priority:** Other Significant**Legal Authority:** 5 USC 500(a); 35 USC  
2(b) 2(D)**CFR Citation:** 37 CFR 1; 37 CFR 2; 37  
CFR 10; 37 CFR 11**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/12/03	68 FR 66648
NPRM Comment Period End	02/12/04	
Notice	03/03/04	69 FR 9986
Comment Period End	06/11/04	
Final Action – Part I	06/24/04	69 FR 35428
Supplemental NPRM	02/28/07	72 FR 9196
Supplemental NPRM Comment Period End	05/29/07	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** See 69 FR  
9986-9987.

**Agency Contact:** Harry I. Moatz,  
Director of Enrollment and Discipline,  
Department of Commerce, Patent and  
Trademark Office, Office of Enrollment

and Discipline, P. O. Box 1450,  
Alexandria, VA 22313  
Phone: 571 272-4097

**Related RIN:** Related to 0651-AB38**RIN:** 0651-AB55
**561. AMENDMENT OF TRADEMARK  
RULES OF PRACTICE**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1123; 35 USC  
2

**CFR Citation:** 37 CFR 2.6, 2.21, 2.26,  
2.32, 2.33, 2.34; 37 CFR 2.44, 2.45,  
2.47, 2.52, 2.53, 2.56; 37 CFR 2.63,  
2.65, 2.67, 2.74, 2.76, 2.77; 37 CFR  
2.85, 2.86, 2.87, 2.88, 2.89, 2.99; 37  
CFR 2.145, 2.146, 2.153, 2.161, 2.171;  
37 CFR 2.172, 2.173, 2.175, 2.184,  
2.198; 37 CFR 3.31, 3.85, 7.14, 7.25

**Legal Deadline:** None

**Abstract:** The U.S. Patent and  
Trademark Office (USPTO) is amending  
its rules to simplify and clarify  
procedures for (1) registering  
trademarks, (2) maintaining trademark  
registrations, (3) processing petitions to  
the Director in trademark cases, and (4)  
filing applications for international  
trademark registration and other  
documents pertaining to international  
registrations under the Madrid  
Agreement Concerning the International  
Registration of Marks (Madrid Protocol)  
through the USPTO.

**Timetable:**

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

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

**Agency Contact:** Mary E. Hannon,  
Attorney Advisor, Department of  
Commerce, Patent and Trademark

Office, P. O. Box 1451, Alexandria, VA  
22313-1451  
Phone: 571 272-9569  
Fax: 571 273-9569  
Email: mary.hannon@uspto.gov  
**RIN:** 0651-AB89

**562. EXAMINATION OF PATENT  
APPLICATIONS THAT INCLUDE  
CLAIMS CONTAINING MARKUSH OR  
OTHER ALTERNATIVE LANGUAGE**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR Part 1**Legal Deadline:** None

**Abstract:** The U.S. Patent and  
Trademark Office (Office) is  
considering revising the rules of  
practice to address Markush-type and  
other claims written so as to claim an  
invention in the alternative. The search  
and examination of Markush-type and  
other claims written in the alternative  
generally consume a disproportionate  
amount of Office resources as compared  
to other types of claims, because these  
claims can encompass multiple  
independent and distinct inventions,  
and determining the patentability of  
such a claim may require a separate  
examination of each of the alternatives  
within the claim. The Office anticipates  
that requiring applicants who choose  
this claim-drafting format to ensure a  
certain degree of relatedness among the  
members of a Markush group or the  
alternatives presented in the claims  
will allow the Office to do a better,  
more thorough and reliable  
examination of Markush-type and other  
claims written in the alternative.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

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

## DOC—PTO

## Proposed Rule Stage

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AC00

### 563. CHANGES IN THE REQUIREMENTS FOR FILING REQUESTS FOR RECONSIDERATION OF FINAL OFFICE ACTIONS IN TRADEMARK CASES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 37 CFR 2.64

**Legal Deadline:** None

**Abstract:** The Office amends 37 CFR part 2.64 to require that a request for reconsideration of an examining attorney's final refusal or requirement be filed through TEAS within 3 months of the mailing date of the final action. The purpose of this rule is to streamline the processing of applications in which a final refusal has been issued, and to reduce pendency.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/07	72 FR 6984
NPRM Comment Period End	04/16/07	
Final Action	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mary E. Hannon, Attorney Advisor, Department of Commerce, Patent and Trademark Office, P. O. Box 1451, Alexandria, VA 22313-1451

Phone: 571 272-9569

Fax: 571 273-9569

Email: mary.hannon@uspto.gov

**RIN:** 0651-AC05

### 564. REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2008

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** Final, Statutory, October 1, 2007, Final Action Effective Date.

**Abstract:** This rulemaking revises certain patent and trademark fees to reflect fluctuations in the Consumer Price Index (CPI) consistent with PL 105-358, as amended by PL 108-447.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dianne Woods, Senior Analyst, Office of Corporate Planning, Department of Commerce, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313

Phone: 571 272-3333

Fax: 571 273-0127

**RIN:** 0651-AC07

### 565. • CHANGES TO RULES OF PRACTICE BEFORE THE BOARD OF APPEALS AND INTERFERENCES IN EX PARTE APPEALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2(b)(2); 35 USC 6(b); 35 USC 132; 35 USC 133; 35 USC 134; 35 USC 305; 35 USC 306

**CFR Citation:** 37 CFR 41, subparts A and B

**Legal Deadline:** None

**Abstract:** The USPTO is revising the rules of practice with respect to ex parte appeals before the Board of Patent Appeals and Interferences. For example: (1) the requirements for filing an appeal brief are changed to reorganize the manner in which the appeal brief and reply brief are presented, (2) lengths of briefs would be established to shorten briefs, (3) times for taking action in an appeal would be reduced, and (4) authority to decide requests for extensions of time to file certain documents would be assigned to the Chief Administrative Patent Judge obtained by petition. The change is not related to the USPTO's Strategic Plan. The change is expected to have some positive impact on the USPTO's appeal backlog and pendency.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Fred E. McKelvey, Senior Administrative Patent Judge, Department of Commerce, Patent and Trademark Office, Mail Stop Interference, P. O. Box 1450, Alexandria, VA 22313

Phone: 571 272-9797

Fax: 571 273-0042

Email: bpai.rules@uspto.gov

**RIN:** 0651-AC12

### 566. • CHANGES TO RULES OF PRACTICE BEFORE THE BOARD OF APPEALS AND INTERFERENCES IN INTER PARTES APPEALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2(b)(2); 35 USC 6(b); 35 USC 132; 35 USC 133; 35 USC 134; 35 USC 315

**CFR Citation:** 37 CFR 41, subpart C; 37 CFR 1.959

**Legal Deadline:** None

**Abstract:** The USPTO is revising the rules of practice with respect to inter partes appeals before the Board of Patent Appeals and Interferences. For example: (1) the requirements for filing appeal briefs are changed to reorganize the manner in which the appeal brief and reply brief are presented, (2) lengths of briefs would be established to shorten briefs, (3) times for taking action in an appeal would be reduced, and (4) authority to decide requests for extensions of time to file certain documents would be assigned to the Chief Administrative Patent Judge obtained by petition. The change is not related to the USPTO's Strategic Plan. The change is expected to have some positive impact on the USPTO's appeal backlog and pendency.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	
NPRM	07/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

## DOC—PTO

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Fred E. McKelvey, Senior Administrative Patent Judge, Department of Commerce, Patent and Trademark Office, Mail Stop Interference, P. O. Box 1450, Alexandria, VA 22313  
Phone: 571 272-9797  
Fax: 571 273-0042  
Email: bpai.rules@uspto.gov

**RIN:** 0651-AC13

**567. • CHANGES TO RULES OF PRACTICE BEFORE THE BOARD OF APPEALS AND INTERFERENCES IN INTERFERENCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2(b)(2); 35 USC 6(b); 35 USC 23; 35 USC 24; 35 USC 135

**CFR Citation:** 37 CFR 41, subparts D and E

**Legal Deadline:** None

**Abstract:** The USPTO is revising the rules of practice with respect to interferences before the Board of Patent Appeals and Interferences. For example: (1) The requirements for filing a motion are changed to reorganize the manner in which a motion is presented, (2) lengths of motions would be established to shorten motions, and (3) the required content of a motion would be changed. The change is not related to the USPTO's Strategic Plan.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment Period End	10/00/07	
Final Action	11/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Fred E. McKelvey, Senior Administrative Patent Judge, Department of Commerce, Patent and Trademark Office, Mail Stop Interference, P. O. Box 1450, Alexandria, VA 22313  
Phone: 571 272-9797  
Fax: 571 273-0042  
Email: bpai.rules@uspto.gov

**RIN:** 0651-AC14

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

**Final Rule Stage**

**568. CHANGES IN TRADEMARK RULES OF PRACTICE IN INTER PARTES PROCEEDINGS BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 1067; 35 USC 2(8)(2)(A)

**CFR Citation:** 37 CFR 2.99(b) to (d); 37 CFR 2.101(a), (b) and (d); 37 CFR 2.105(a) and (c); 37 CFR 2.111(a) to (c); 37 CFR 2.113(a), (c) and (e); 37 CFR 2.116; 37 CFR 2.118; 37 CFR 2.119(a) and (b); 37 CFR 2.120(a), (d) through (j); 37 CFR 2.121(a), (d) and (e); 37 CFR 2.123(e); 37 CFR 2.126 (a) and (b); 37 CFR 2.127(a), (c) and (e); 37 CFR 2.129(a); 37 CFR 2.133 (a) and (b); 37 CFR 2.142(e); 37 CFR 2.173(a); 37 CFR 2.176

**Legal Deadline:** None

**Abstract:** The U.S. Patent and Trademark Office amends its rules of practice in connection with inter partes proceedings before the Trademark Trial and Appeal Board to require that plaintiffs serve notice of their claims directly on defendants, to follow the Federal Rules of Civil Procedure insofar as they require disclosure by parties of certain types of discoverable information and pre-trial disclosures, and to permit service of documents by e-mail.

**Timetable:**

Action	Date	FR Cite
NPRM	01/17/06	71 FR 2498
NPRM Comment Period End	03/20/06	
NPRM Comment Period Reopened	03/27/06	71 FR 15097
NPRM Reopened Comment Period End	05/04/06	
Final Action	05/00/07	
Final Action Effective	07/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Gerard F. Rogers, Administrative Judge, Department of Commerce, Patent and Trademark Office, Trademark Trial and Appeal Board, 600 Dulany Street, Alexandria, VA 22313  
Phone: 571 272-4299  
Fax: 571-273-0059  
Email: gerard.rogers@uspto.gov

**RIN:** 0651-AB56

**569. REVISIONS AND TECHNICAL CORRECTIONS AFFECTING REQUIREMENTS FOR EX PARTE AND INTER PARTES REEXAMINATION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 37 CFR 1

**Legal Deadline:** None

**Abstract:** The U.S. Patent and Trademark Office (Office) amends its rules of practice relating to ex parte and inter partes reexamination. The Office revises the rules of practice to clarify the substantial new question of patentability standard for a second or subsequent request for ex parte reexamination or inter partes reexamination, and to provide for a request for continued reexamination practice to permit entry of a limited number of submissions after a final rejection or action in an ex parte reexamination or inter partes reexamination. The Office also revises the rules of practice to require compliance with all the requirements of filing an inter partes reexamination before a filing date will be assigned to an inter partes reexamination, and to prohibit supplemental patent owner responses to an Office action in an inter partes reexamination without a showing of cause.

## DOC—PTO

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	03/30/06	71 FR 16072
NPRM Comment Period End	05/30/06	
Final Action	05/00/07	

**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, Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450  
Phone: 571 272–8800  
Email: robert.bahr@uspto.gov

**RIN:** 0651–AB77**570. REVISION OF PATENT FEES FOR FISCAL YEAR 2007****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 41; 35 USC 376; 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1.16 to 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 41.20; 37 CFR 2.6**Legal Deadline:** Final, Statutory, September 30, 2007.

**Abstract:** This rulemaking revises certain patent and trademark fees to reflect fluctuations in the Consumer Price Index (CPI) consistent with Public Law 105-358, as amended by Public Law 108-447.

**Timetable:**

Action	Date	FR Cite
NPRM	06/05/06	71 FR 32285
NPRM Comment Period End	07/05/06	
Final Action	08/00/07	

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

**Additional Information:** The proposed rule notice entitled “Revision of Patent Fees for Fiscal Year 2007” published in the Federal Register on June 5, 2006, proposed to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI), as well as a few patent fee amounts that track the affected fees. When the proposed rule was published, it was anticipated, but

not certain, if legislation would be enacted that extended the revisions in the Consolidated Appropriations Act (CAA).

If legislation were enacted, then Option 1 of this proposed rule would apply. If, for any period during FY 2007, the fee revisions in the CAA were not in effect, then Option 2 of this proposed rule would apply and the fee adjustment would apply to the former fee amounts that were in place on October 1, 2004, to December 7, 2004, prior to enactment of the CAA.

Based upon anticipated action, and then the enactment of the CAA by Congress, a decision was made by the Chief Financial Officer (CFO) not to adjust fees by the CPI for FY 2007. On October 3, 2006, a notice was also published on the USPTO Internet entitled “IMPORTANT NOTICE - Patent and Trademark Fees - Fiscal Year 2007” to inform customers that based upon anticipated action by the U.S. Congress, USPTO’s current patent and trademark fee schedule would continue in effect on October 1, 2006, and beyond.

**Agency Contact:** Dianne Woods, Senior Analyst, Office of Corporate Planning, Department of Commerce, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA , VA 22313  
Phone: 571 272–3333  
Fax: 571 273–0127

**RIN:** 0651–AB81**571. ● CORRESPONDENCE WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE, OFFICE OF THE GENERAL COUNSEL****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)2**CFR Citation:** 37 CFR Parts 102 and 104**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office, Office of the General Counsel, is revising the rules of practice to update the address for mail and service.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/07	

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

**Agency Contact:** Kyu S. Lee, Associate Counsel, Department of Commerce, Patent and Trademark Office, Office of the General Counsel, P.O. Box 15667, Arlington, VA 22215  
Phone: 571 272–6421  
Fax: 571 273–0099  
Email: lee.kyu@uspto.gov

**Related RIN:** Related to 0651–AB86**RIN:** 0651–AC08**572. ● REVISION OF PATENT COOPERATION TREATY PROCEDURES****Priority:** Other Significant**Legal Authority:** 35 USC 2(b)(2) and 376**CFR Citation:** 37 CFR Part 1**Legal Deadline:** Final, Statutory, April 1, 2007, PCT Treaty.

**Abstract:** The USPTO is amending the rules of practice to conform them to certain amendments made to the Regulations under the Patent Cooperation Treaty (PCT) that will take effect on April 1, 2007. These amendments will result in the addition of a mechanism to the PCT system whereby applicants may request that the right to claim priority be restored in applications that meet certain requirements. In addition, these amendments will provide a means for applicants to insert a missing portion of an international application without the loss of the international filing date. These amendments also will clarify the circumstances and procedures under which the correction of an obvious mistake may be made in an international application. Finally, the USPTO is revising the search fee for international applications.

**Timetable:**

Action	Date	FR Cite
NPRM	02/16/07	72 FR 7583
NPRM Comment Period End	03/19/07	
Final Action	05/00/07	

**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, Mail Stop Comments—Patents,

## DOC—PTO

## Final Rule Stage

Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450  
Phone: 571 272-8800  
Email: robert.bahr@uspto.gov  
**RIN:** 0651-AC09

**573. • INTERNATIONAL TRADEMARK CLASSIFICATION CHANGES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 15 USC 1123; 35 USC 2

**CFR Citation:** 37 CFR 6.1

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office amends its regulations to incorporate classification changes adopted by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. These changes became effective January 1, 2007, and are listed in the International Classification of Goods and Services for the Purposes of the Registration of Marks (9th ed., 2007), which is published by the World Intellectual Property Organization.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Marie Sanok, Attorney Advisor, Department of Commerce, Patent and Trademark Office, P. O. Box 1451, Alexandria, VA 22313  
Phone: 571 272-9577  
Fax: 571 273-9577  
Email: dawn-marie.sanok@uspto.gov

Mary E. Hannon, Attorney Advisor, Department of Commerce, Patent and Trademark Office, P. O. Box 1451, Alexandria, VA 22313-1451  
Phone: 571 272-9569  
Fax: 571 273-9569  
Email: mary.hannon@uspto.gov

**RIN:** 0651-AC10

**574. • CORRESPONDENCE WITH THE MADRID PROCESSING UNIT OF THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 15 USC 1123; 35 USC 2

**CFR Citation:** 37 CFR 2.190(e) and 7.4(b)

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office is revising the rules

of practice to change the address for correspondence sent to the Office's Madrid Processing Unit, relating to filings pursuant to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol).

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jennifer Chicoski, Attorney Advisor, Department of Commerce, Patent and Trademark Office, Commissioner for Trademarks, P. O. Box 1451, Alexandria, VA 22313  
Phone: 571 272-8943  
Fax: 571 273-8943  
Email: jennifer.chicoski@uspto.gov

Mary E. Hannon, Attorney Advisor, Department of Commerce, Patent and Trademark Office, P. O. Box 1451, Alexandria, VA 22313-1451  
Phone: 571 272-9569  
Fax: 571 273-9569  
Email: mary.hannon@uspto.gov

**RIN:** 0651-AC11

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

## Long-Term Actions

**575. ACCEPTANCE, PROCESSING, USE AND DISSEMINATION OF CHEMICAL AND THREE-DIMENSIONAL BIOLOGICAL STRUCTURAL DATA IN ELECTRONIC FORMAT**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 37 CFR 1

**Timetable:**

Action	Date	FR Cite
ANPRM	06/21/05	70 FR 35573
ANPRM Comment Period End	08/22/05	
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr  
Phone: 571 272-8800

Email: robert.bahr@uspto.gov  
**RIN:** 0651-AB91

**576. CHANGES TO PRACTICE FOR CONTINUING APPLICATIONS, REQUESTS FOR CONTINUED EXAMINATION PRACTICE, AND APPLICATIONS CONTAINING PATENTABLY INDISTINCT CLAIMS**

**Priority:** Other Significant

**CFR Citation:** 37 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/06	71 FR 48
NPRM Comment Period End	05/03/06	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr  
Phone: 571 272-8800  
Email: robert.bahr@uspto.gov

**RIN:** 0651-AB93

**577. CHANGES TO PRACTICE FOR THE EXAMINATION OF CLAIMS IN PATENT APPLICATIONS**

**Priority:** Other Significant

**CFR Citation:** 37 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/06	71 FR 61
NPRM Comment Period End	05/03/06	
Final Action	To Be	Determined



## DOC—PTO

## Long-Term Actions

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB94**578. CHANGES TO INFORMATION DISCLOSURE STATEMENT REQUIREMENTS AND OTHER RELATED MATTERS****Priority:** Other Significant**CFR Citation:** 37 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	07/10/06	71 FR 38808
NPRM Comment Period End	09/08/06	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB95**579. PRE-BRIEF APPEAL CONFERENCE FOR PATENT APPLICATIONS UNDER APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR 41**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB96**580. CHANGES TO EXAMINATION PRACTICE FOR MEANS- (OR STEP-) PLUS-FUNCTION CLAIM ELEMENTS IN PATENT APPLICATIONS****Priority:** Other Significant**CFR Citation:** 37 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB97**581. INTERIM GUIDELINES FOR EXAMINATION OF PATENT APPLICATIONS FOR PATENT SUBJECT MATTER ELIGIBILITY****Priority:** Substantive, Nonsignificant**CFR Citation:** None**Timetable:**

Action	Date	FR Cite
Notice	12/20/05	70 FR 75451
Comment Period End	06/30/06	
Comment Period Extended	06/14/06	71 FR 34307
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB98**582. REVISION TO THE TIME FOR REQUIRED FILING OF A BIOLOGICAL DEPOSIT AND TO THE DATE OF AVAILABILITY OF THE BIOLOGICAL DEPOSIT****Priority:** Other Significant**CFR Citation:** 37 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB99**583. CHANGES TO IMPLEMENT PREEXAMINATION SEARCH REPORTS****Priority:** Other Significant**CFR Citation:** 37 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AC03**584. REVISIONS TO THE PROCEDURES FOR DEFERRAL OF EXAMINATION OF AN APPLICATION FOR PATENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AC06

**Department of Commerce (DOC)**  
**Patent and Trademark Office (PTO)**
**Completed Actions**
**585. CHANGES TO IMPLEMENT PRIORITY APPLICATION EXCHANGE BETWEEN INTELLECTUAL PROPERTY OFFICES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1**Legal Deadline:** None

**Abstract:** The U.S. Patent and Trademark Office (Office) has established a 21st Century Strategic Plan to transform the Office into a quality-focused, highly productive, responsive organization supporting a market-driven intellectual property system. One priority of the 21st Century Strategic Plan is the electronic exchange of information and documents between intellectual property offices to reduce costs associated with seeking patent protection in more than one country. Consistent with this priority, the Office revises its rules of practice to provide for the electronic transfer of certified copies of applications for which priority benefit is claimed under the Paris Convention (priority applications) from other intellectual property offices with which the Office has negotiated priority application exchange agreements. The Office also revises its rules of practice to permit applicants to request that the Office permit other participating intellectual property offices to electronically retrieve certified copies of United States patent applications for free. This electronic exchange of priority applications will benefit applicants by reducing the cost of ordering paper certified copies of priority applications for filing in other participating intellectual property offices, and will benefit participating intellectual property offices by reducing the administrative costs associated with transferring paper copies of priority applications and scanning them into the electronic image record management systems.

**Timetable:**

Action	Date	FR Cite
Final Action	01/16/07	72 FR 1664

**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, Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
 Phone: 571 272-8800  
 Email: robert.bahr@uspto.gov
**RIN:** 0651-AB75
**586. AMENDMENT OF RULES FOR FILING INTENT TO USE DOCUMENTS IN SECTION 1(B) APPLICATIONS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1123; 35 USC 2**CFR Citation:** 37 CFR 2.76; 37 CFR 2.87 to 2.89**Legal Deadline:** None

**Abstract:** The Office amends the rules to (1) change the deadline for filing second and subsequent requests for extensions of time to file a statement of use under section 1(d)(2) of the Trademark Act, 15 USC 1051(d)(2), from six months to one year; and (2) simplify and clarify procedures pertaining to the filing of intent-to-use documents in applications under section 1(b) of the Act, 15 USC 1051(b).

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/16/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mary E. Hannon, Attorney Advisor, Department of Commerce, Patent and Trademark Office, P. O. Box 1451, Alexandria, VA 22313-1451

Phone: 571 272-9569

Fax: 571 273-9569

Email: mary.hannon@uspto.gov

**RIN:** 0651-AB90
**587. CHANGES TO FACILITATE ELECTRONIC FILING OF PATENT CORRESPONDENCE**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1**Legal Deadline:** None

**Abstract:** The U.S. Patent and Trademark Office (Office) plans to provide for the electronic submission of various papers typically submitted after an application is filed via a

revised electronic filing system. The system is anticipated to permit electronic documents in the "pdf" file format to be submitted electronically. This action proposes changes consistent with the revisions to the electronic filing system and to promote use of the electronic filing system. For example, the certificate of mailing practice is proposed to be changed to provide for submissions using the Electronic Filing System in the same manner as submissions by facsimile transmission. In addition, changes to the practice related to amendment of reissue applications and reexamination proceedings are proposed.

**Timetable:**

Action	Date	FR Cite
Final Action	01/23/07	72 FR 2770

**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, P.O. Box 1450, Alexandria, VA 22313

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB92
**588. CHANGES TO ELIMINATE THE DISCLOSURE DOCUMENT PROGRAM**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1**Legal Deadline:** None

**Abstract:** The U.S. Patent and Trademark Office (Office) implemented the Disclosure Document Program in 1969 in order to provide an alternative form of evidence of conception of an invention to, for example, a "self-addressed envelope" containing a disclosure of an invention. It appears, however, that few, if any, inventors obtain any actual benefit from a disclosure document, and some inventors who use the Disclosure Document Program believe that they are actually filing an application for a patent. In addition, a provisional application for patent affords better benefits and protection to inventors than a Disclosure Document. Therefore, the Office is proposing to eliminate the Disclosure Document Program.

## DOC—PTO

## Completed Actions

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	04/06/06	71 FR 17399
NPRM Comment Period End	05/08/06	
Final Action	11/03/06	71 FR 64636
Final Action Effective	02/01/07	

**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 TrademarkOffice, P.O. Box 1450, Alexandria, VA  
22313

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AC01

[FR Doc. 07-01425 Filed 04-27-07; 8:45 am]

**BILLING CODE 3510-BW-S**