



Federal Register

**Monday,
December 11, 2006**

Part IV

**Department of
Commerce**

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

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

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

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

Fall 2006 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866 entitled “Regulatory Planning and Review” and the Regulatory Flexibility Act, as amended, the Department of Commerce (Department), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 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 fall 2006 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2006, through September 30, 2007.

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 June 22, 2006, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2006 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 fall 2006 regulatory agenda follows.

John J. Sullivan,
General Counsel.

Bureau of Economic Analysis—Proposed Rule Stage

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

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Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
463	Benchmark Survey of Transactions Between U.S. and Foreign Persons in Selected Services and in Intangible Assets	0691-AA60

Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
464	Change in Reporting Requirements for BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate	0691-AA57

Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
465	Cutoff Dates for Recognition of Boundary Changes for Census 2000 and for the Intercensal Period	0607-AA35
466	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
467	Establishment of the 2010 Census Redistricting Program	0607-AA42

Economic Development Administration—Final Rule Stage

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

General Administration—Proposed Rule Stage

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

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
470	Disclosure of Government Information	0605-AA19

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General Administration—Long-Term Actions

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

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
472	Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders	0625-AA51
473	Changes in the Insular Possessions Watch, Watch Movement and Jewelry Programs	0625-AA72

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
474	Proposed Amendment to Regulation Concerning Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings	0625-AA66
475	Mexican Cement Import Licensing System	0625-AA70
476	Procedures for Importation of Supplies for Use in Emergency Relief Work	0625-AA71

International Trade Administration—Long-Term Actions

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

Bureau of Industry and Security—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
478	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
479	Automated Export System and Shippers Export Declaration—Requirement to Show Paragraphs in Export Control Classification Numbers	0694-AD89

Bureau of Industry and Security—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
480	Short Supply Controls: Crude Oil Exports	0694-AC25
481	Additional Protocol Regulations	0694-AD26
482	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

Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
483	License Exception AVS: Clarifications	0694-AC33

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

Sequence Number	Title	Regulation Identifier Number
484	Clarifications to Part 752: Special Comprehensive License Requirements	0694-AC34
485	Administrative Action Providing for Order to Stop Specific Exports or Reexports Otherwise Eligible Under Designation NLR	0694-AC47
486	Imposition of License Requirement for Exports and Reexports of Missile Technology (MT)-Controlled Items to Canada	0694-AC48
487	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
488	Revisions and Clarification of License Exception Availability for Certain Crime Control Items and Removal of License Requirements on Other Crime Control Items	0694-AD47
489	Chemical Weapons Convention Regulations: UDOC "Change in Inspection Status Form"	0694-AD53
490	Technical Amendments to the Export Administration Regulations	0694-AD54
491	Revisions and Clarifications to the Export Administration Regulations	0694-AD55
492	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
493	Implementation of the Understandings Reached at the 2004 Goteborg and 2005 Oslo Nuclear Supplier Group (NSG) Plenary Meetings	0694-AD58
494	Conforming Changes to Certain End-User/End-Use Based Controls in the EAR; Clarification of Export Clearance Requirements Under the EAR	0694-AD59
495	Voluntary Disclosure Provisions and Administrative Case Settlement Guidance Related to Restrictive Trade Practices or Boycotts	0694-AD63
496	Clarification of Licensing Requirements for Certain Photovoltaic Arrays and Related Software and Technology	0694-AD64
497	Revisions to License Requirements for Certain Thermal Imaging Cameras Incorporating Focal Plane Arrays	0694-AD71
498	Revisions to License Exceptions TMP and BAG: Expansion of Eligible Items	0694-AD72
499	Revisions and Clarification of Export and Reexport Controls for the People's Republic of China (PRC); New License Exception Certified End-User	0694-AD75
500	Revision to General Restriction on All License Exceptions: Availability of Certain License Exceptions for Lightweight Aircraft Engines	0694-AD80
501	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
502	Addition of "Serbia" and "Montenegro" as Separate Destinations in the Export Administration Regulations	0694-AD85
503	Implementation of the Understandings Reached at the June 2006 Australia Group (AG) Plenary Meeting; Clarifications and Corrections	0694-AD86
504	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
505	Technical Corrections to the Export Administration Regulations	0694-AD88

Bureau of Industry and Security—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
506	Export Administration Regulations: Support Documentation Consolidation and Reorganization	0694-AC04
507	Exports and Reexports to Sudan	0694-AC05
508	Expansion of License Exception GOV; Exports and Reexports to International Organizations	0694-AC15
509	De Minimis Expansion of Eligibility: U.S.-Origin Software Incorporated Into Foreign-Made Commodities	0694-AC17
510	Revision to the Export Administration Regulations: Replacement Licenses	0694-AC23
511	Chemical Weapons Convention: Revisions to the Export Administration Regulations	0694-AC35
512	Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the U.S. Munitions List	0694-AC74
513	Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices	0694-AC82
514	Export and Reexport Controls on Iraq	0694-AC84
515	Clarification of "Space-Qualified" Parts, Components, and Technology Subject to the Export Administration Regulations	0694-AD07
516	Export Administration Regulations: Removal of Country Groups	0694-AD09
517	Implementation of the Wassenaar Arrangement Statement of Understanding on the Control of Non-Listed Dual-Use Items	0694-AD10
518	Removal of License Exception GBS and TSR Eligibility for Certain Microwave Monolithic Integrated Circuit Power Amplifiers and Related Software and Technology	0694-AD36

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

Sequence Number	Title	Regulation Identifier Number
519	Revisions to the DPAS Regulation and Associated Notices	0694-AD69

Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identifier Number
520	Chemical Weapons Convention Regulations	0694-AB06
521	Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications Via BIS's Simplified Network Application Process (SNAP)	0694-AC20
522	Knowledge Definition, Safe Harbor, Red Flags	0694-AC94
523	Export Administration Regulations: Establish Special Intra-Company License (SIL)	0694-AD22
524	Cuba: Clarification of Personal Baggage Rules	0694-AD23
525	Clarification of Deemed Export Related Regulatory Requirements	0694-AD29
526	Expansion of Requirement of People's Republic of China (PRC) End-User Certificates Under the EAR; Elimination of Submission Requirement	0694-AD52
527	Revised Appeal Procedure for Persons Designated as Related Persons to Denial Orders Issued Pursuant to Section 766.25 of the Export Administration Regulations	0694-AD60
528	Implementation of Unilateral Chemical/Biological Controls on Certain Biological Agents and Toxins Selected for Domestic Control by CDC and APHIS; Clarification of Controls on Certain Medical Products	0694-AD62
529	Revisions to the Export Administration Regulations Based on the 2005 Missile Technology Control Regime Plenary Agreements	0694-AD65
530	Implementation of New Formula for Calculating Computer Performance: Adjusted Peak Performance (APP) in Weighted TeraFLOPS; Bulgaria; XP and NP Controls	0694-AD66
531	Clarification to the Export Administration Regulations; General Order To Implement the Syria Accountability and Lebanese Sovereignty Act	0694-AD68
532	December 2005 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 5 Part I (telecommunications), 5 Part II (Information Security), 6, 8, and 9 of the Commerce Control List; W	0694-AD73
533	Revisions to Civil Penalty Provisions of the Export Administration Regulations	0694-AD74
534	General Order Concerning Mayrow General Trading and Related Entities	0694-AD76
535	Authorization to Appoint Any Commerce Department Employee to be Appeals Coordinator in Certain Administrative Appeals	0694-AD78
536	Defense Priorities and Allocations System (DPAS): Administrative and Technical Corrections	0694-AD79
537	Amendment to General Order: Addition of Certain Entities	0694-AD83
538	Technical Amendments to the National Security Industrial Base Regulations	0694-AD90

National Institute of Standards and Technology—Completed Actions

Sequence Number	Title	Regulation Identifier Number
539	Changes to Federal Information Processing Standard (FIPS) Publication 201, Standard for Personal Identity Verification of Federal Employees and Contractors	0693-AB56

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
540	Geographic Reorganization of Western Pacific Regulations	0648-AU71
541	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

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National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
542	Measures to Prevent or Mitigate and Conserve, Manage, and Allow Full Utilization of Sharks	0648-AN76
543	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9	0648-AP60
544	Regulatory Amendment to Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs	0648-AQ20
545	Fisheries of the United States; National Standard 1	0648-AQ63
546	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
547	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery	0648-AR63
548	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AR72
549	Revisions to the Definitions of Exempted Fishing and Scientific Research	0648-AR78
550	Individual Fishing Quota for Guided Recreational Charter Halibut Fishery	0648-AR96
551	Community Development Quota (CDQ) Regulatory Amendment to Modify Several Fishery Management Elements of the CDQ Program	0648-AS13
552	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery	0648-AS22
553	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery	0648-AS25
554	Regulatory Amendment to Establish Measures Authorizing the Optional Use of Electronic Logbook Forms in the Western Pacific Fisheries	0648-AS29
555	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes	0648-AS49
556	Establish Management Measures for the Western Pacific Squid Fishery	0648-AS71
557	Individual Fishing Quota Program; Restructure Date-Specific Quota Share Regulations	0648-AS77
558	Amendment 67 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AS84
559	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
560	Transfer of Management Authority for the Atlantic Coast Red Drum Resource from the South	0648-AT13
561	American Lobster Fishery; Fishing Effort Control Measures to Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission	0648-AT31
562	West Coast Highly Migratory Species, Correcting Amendment	0648-AT32
563	Management Measures for Pacific Bigeye Tuna	0648-AT55
564	Omnibus Amendments to Fishery Management Plans to Address Essential Fish Habitat	0648-AT57
565	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648-AT58
566	Specifications for the 2007 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries	0648-AT60
567	Specifications for the 2007 Fishing Year for the Surfclam and Ocean Quahog Fishery	0648-AT61
568	Framework 1 to the Surfclam and Ocean Quahog Fishery Management Plan	0648-AT62
569	Specifications for the 2007 Fishing Year for the Atlantic Mackerel, Squid, and Butterfish Fisheries	0648-AT65
570	Specifications for the 2007 Fishing Year for the Atlantic Herring Fishery	0648-AT66
571	Specifications for the 2007 Fishing Year for the Atlantic Bluefish Fishery	0648-AT67
572	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
573	Interagency Electronic Reporting System (IERS)	0648-AT91
574	Western Pacific Precious Corals FMP: Amendment to Manage Hawaii Black Coral Fishery	0648-AT93
575	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
576	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
577	Expansion of the Pacific Coast Groundfish Fishery Vessel Monitoring System to the Open Access Fishery	0648-AU08
578	Subsistence Halibut Program Amendments	0648-AU14
579	Regulatory Amendment to Revise Certain Species Codes in Table 2a and Table 2d	0648-AU20
580	Amendment 10 to the Bottomfish and Seamount Groundfish FMP: Measures to End Bottomfish Overfishing in the Hawaiian Archipelago	0648-AU22
581	Authorize an Exempted Fishing Permit Under the Highly Migratory Species (HMS) Fishery Management Plan (FMP)	0648-AU25
582	Amendment 12 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP)	0648-AU26
583	Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region	0648-AU28
584	Amendment 15 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region	0648-AU29
585	Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan	0648-AU32
586	Framework 4 to the Fishery Management Plan for Monkfish	0648-AU34
587	Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan	0648-AU36
588	Observer Health and Safety	0648-AU46

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

Sequence Number	Title	Regulation Identifier Number
589	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
590	Reconciliation of State and Federal Commercial Fishing Vessel Permit Programs	0648-AU51
591	Extend the North Pacific Groundfish Observer Program Beyond 2007	0648-AU58
592	Framework Adjustment to the Bycatch Reduction Criterion for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AU59
593	Recreational Specifications for the 2007 Summer Flounder, Scup, and Black Seabass Fisheries	0648-AU60
594	Approval of Operations Plan for the Georges Bank Fixed Gear Sector for 2007-2008	0648-AU61
595	Approval of Operations Plan for the Georges Bank Hook Sector for 2007-2008	0648-AU62
596	Fishery Specifications for the 2007 Monkfish Fishery	0648-AU65
597	Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands	0648-AU68
598	Amendment 15 to the Pacific Coast Salmon Fishery Management Plan	0648-AU69
599	2007-2008 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648-AU70
600	Reporting and Conservation Measures For Sea Otter Interactions With the Pacific Sardine Fishery	0648-AU72
601	Amend Vessel Marking Section 660.704 of the U.S. West Coast Highly Migratory Species Fishery Management Plan	0648-AU73
602	Effort Limitation for United States Commercial Fishing Vessels Targeting North Pacific Albacore Tuna	0648-AU74
603	Amend Regulations Pertaining to Protected Resource Closures in the United States West Coast Swordfish/Thresher Shark Drift Gillnet Fishery	0648-AU75
604	Vessel List to Establish Eligibility to Fish for Albacore Tuna in Canadian Waters Under the U.S. Canada Albacore Tuna Treaty	0648-AU78
605	Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean	0648-AU79
606	Atlantic Hagfish Collection of Information Requirements	0648-AU80
607	Individual Fishing Quota Processing Restriction Amendments	0648-AU85
608	Atlantic Highly Migratory Species; Swordfish Commercial Management Measures	0648-AU86
609	Atlantic Highly Migratory Species; 2007 Bluefin Tuna Quota Specifications and Effort Controls	0648-AU87
610	Atlantic Highly Migratory Species; International Trade Permit Regulatory Amendment	0648-AU88
611	Atlantic Highly Migratory Species; Atlantic Shark Management Measures	0648-AU89
612	Preventing Harassment from Human Activities Directed at Marine Mammals in the Wild	0648-AN43
613	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Conducting Oil and Gas Exploration Activities in the Gulf of Mexico	0648-AQ71
614	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental To Assessing Naval Ship Survivability	0648-AT77
615	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Deployment of a Naval At-Sea Gunnery Scoring System	0648-AT78
616	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
617	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Naval Training Operations at the East Coast Shallow Water Training Range	0648-AT81
618	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
619	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
620	Spinner Dolphins in the Main Hawaiian Islands	0648-AU02
621	Authorize Observer Coverage of Fisheries to Monitor Sea Turtle Interactions	0648-AU81
622	Gulf of the Farallones National Marine Sanctuary Management Plan Review	0648-AT14
623	Monterey Bay National Marine Sanctuary Management Plan Review	0648-AT15
624	Bag Limits for Tuna Species Taken in the Recreational Charter Fishery for the United States West Coast Fisheries for Highly Migratory Species	0648-AU77
625	Cordell Bank National Marine Sanctuary Management Plan Review	0648-AT16

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
626	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery	0648-AK26

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

Sequence Number	Title	Regulation Identifier Number
627	Implementation of the Regulatory Changes Resulting from the Amendments and Extension of the South Pacific Tuna Act	0648-AP61
628	Amendment 1 to the Atlantic Herring Fishery Management Plan	0648-AQ87
629	Fish and Seafood Promotion Act Provisions; Seafood Marketing Councils	0648-AS09
630	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
631	Amendment to Regulations Implementing the Antarctic Marine Living Resources Convention Act of 1984	0648-AS75
632	West Coast Highly Migratory Species Fishery Management Plan, Correcting Amendment	0648-AS89
633	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures	0648-AT37
634	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
635	Specifications for the 2007 Fishing Year for the Tilefish Fishery	0648-AT63
636	2006 Scallop Research Set-Aside Request for Proposals	0648-AT68
637	Amendment 68; Central Gulf of Alaska Rockfish Pilot Program	0648-AT71
638	Western Pacific Bottomfish FMP: Amendment 9 to Limit Large Vessel Fishing Effort Around Guam	0648-AT94
639	Western Pacific Omnibus: Bottomfish Amendment 8, Amendment 12 Crustaceans, and Amendment 6 Precious Corals	0648-AT95
640	Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses	0648-AU01
641	Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Recreational Grouper Fishery Management Measures	0648-AU04
642	Fisheries of the Northeastern United States; Recordkeeping and Reporting Requirements; Regulatory Amendment to Modify Seafood Dealer Reporting Requirements; Correction	0648-AU05
643	Amendment 18 (Bycatch Minimization) to the Pacific Coast Groundfish Fishery Management Plan	0648-AU12
644	Announcement of the Optimum Yield and Harvest Quotas for Pacific Mackerel	0648-AU27
645	Modification to the "Other Species" Complex 2006 and 2007 Total Allowable Catch (TAC) Amounts in the Gulf of Alaska (GOA)	0648-AU52
646	Correct and Clarify 2005 Atlantic Mackerel, Squid and Butterfish Fishery Specifications	0648-AU54
647	Amendment to Northeast Multispecies Fishery Management Plan; Georges Bank Fixed Gear Sector Operations Plan	0648-AU56
648	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
649	Establishment of Quotas for the 2006-2007 Cod, Haddock, and Yellowtail Flounder Fishery	0648-AU63
650	Solicitation of Proposals for Research Set-aside Quota for Mid-Atlantic Fisheries for 2008	0648-AU64
651	Solicitation of Proposals for Research Set-aside Quota for Monkfish for 2008	0648-AU66
652	Solicitation of Proposals for Research Set-aside Quota for Atlantic Sea Scallop for 2008	0648-AU67
653	Regulations for the Development of Biological Reference Points for the United States West Coast Fisheries for Highly Migratory Species	0648-AU76
654	Amendment to Net Mesh Size Measurement Regulations	0648-AU83
655	Atlantic Shark Seasons and Quotas for First Trimester 2007	0648-AU84
656	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
657	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives	0648-AO16
658	Taking Marine Mammals Incidental to Navy Operations	0648-AR99
659	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations	0648-AS01
660	Right Whale Ship Strike Reduction (Reg Plan Seq No. 23)	0648-AS36
661	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
662	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
663	List of Fisheries for 2006	0648-AU19
664	Designation of Critical Habitat for the Southern Resident Killer Whale (<i>Orcinus orca</i>)	0648-AU38
665	12-month Finding on Petition to List Puget Sound Steelhead as an Endangered or Threatened Species Under the ESA	0648-AU43
666	Gray's Reef National Marine Sanctuary	0648-AQ41
667	Certification Requirements for NOAA Electronic Navigational Chart Distribution	0648-AR87
668	Channel Islands National Marine Sanctuary Management Plan Review	0648-AT17

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

Sequence Number	Title	Regulation Identifier Number
669	Consideration of Marine Reserves and Marine Conservation Areas Within the Channel Islands National Marine Sanctuary	0648-AT18

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

National Oceanic and Atmospheric Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
670	Generic Amendment to Provide for Regulations of Offshore Aquaculture of Selected Fish	0648-AS65
671	Procedural Changes to the Federal Consistency Process	0648-AP98
672	Coastal Zone Management Act Federal Consistency Regulations	0648-AR16
673	Regional Marine Research Program	0648-AF20

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
674	Amendment 18A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648-AN09
675	Amendment 71A to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area	0648-AP67
676	Regulatory Amendment to Section 679 Permits or Permit-Related Issues	0648-AQ07
677	Atlantic Highly Migratory Species (HMS); Recreational Atlantic Blue and White Marlin Landings Limit; Amendments to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks and the Fishery	0648-AQ65
678	Regulatory Rulemaking to Revise Accounting for Externally Tagged Halibut and Sablefish	0648-AR09
679	Catcher Vessel Electronic Report	0648-AR30
680	Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations	0648-AR33
681	Amendment 13 to Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters	0648-AS15
682	Fee System for Repayment of the Loan to Harvestors of Bering Sea/Aleutian Islands King and Tanner Crabs	0648-AS46
683	Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs—Crab Rationalization Program	0648-AS47
684	Revise Precious Coral Measures to Increase the Protection of Black Coral Resources in Hawaii	0648-AS64
685	Amendment 25 to the Reef Fish Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648-AS68
686	Amendment 17 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic	0648-AS70
687	Changes to Regulations Governing the Observer Communications System	0648-AS93
688	Amendment 79 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area Establishing a Groundfish Retention Standard	0648-AT04
689	Identify and Manage Alaska Fishery Management Plans for EFH and HAPC	0648-AT09
690	Amendment 11 to the Coastal Pelagic Species Fishery Management Plan	0648-AT11
691	Specifications for the 2006 Monkfish Fishery	0648-AT22
692	Framework 42 to the Northeast Multispecies Fishery and Framework 3 to the Monkfish Fishery	0648-AT24
693	Framework 18 to the Atlantic Sea Scallop Fishery	0648-AT25
694	Framework 6 to the Summer Flounder, Scup, and Black Sea Bass Fisheries	0648-AT26
695	Specifications for the 2006 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries	0648-AT27
696	Specifications for the 2006 Recreational Fisheries for Summer Flounder, Scup, and Black Sea Bass	0648-AT28
697	2006-2007 Management Measures for Commercial, Recreational, and Treaty Salmon Fisheries off the Coasts of Washington, Oregon, and California	0648-AT34
698	Individual Fishing Quota (IFQ) Cost Recovery Program Amendments	0648-AT43
699	Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Grouper Recreational Management Measures	0648-AT45
700	Specifications for the 2006/2007 Fishing Year for the Spiny Dogfish Fishery	0648-AT59
701	Atlantic Highly Migratory Species (HMS); 2006 Bluefin Tuna Quota Specifications and Effort Controls	0648-AT72
702	Atlantic Highly Migratory Species; North and South Atlantic Swordfish Commercial Management Measures	0648-AT73
703	Amendment 13C to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic	0648-AT75

DOC

National Oceanic and Atmospheric Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
704	Implement Specification Management Measures for the 2006 Pacific Sardine Fishery Coastal Pelagic Species FMP	0648-AT76
705	Revision of Critical Habitat for the Northern Right Whale (<i>Eubalaena glacialis</i>)	0648-AT84
706	Amendment 19 to the Pacific Coast Groundfish Fishery Management Plan	0648-AT98
707	Amendment 20 to the Fishery Management Plan for the Bering Sea and Aleutian Islands Crabs	0648-AU06
708	2006 Secretarial Action for Northeast Multispecies	0648-AU09
709	Sea Turtle Conservation: Additional Exception to Sea Turtle Take Prohibitions	0648-AU10
710	Specification of Total Allowable Catches (TACs) for the Northeast Multispecies Fishery for Fishing Year 2006	0648-AU13
711	A Regulatory Amendment to Permit the Seasonal Closure of Chiniak Gully in the Gulf of Alaska to Trawl Fishing	0648-AU15
712	BSAI Pacific Cod License Endorsement Requirements for the Trawl Catcher Vessel Sectors; Notice of Control Date	0648-AU16
713	Reorganize Western and Central Pacific Regulations Into New CFR Part	0648-AU21
714	Regulatory Amendment Modifying Section 680.22 Sideboard Protections for the Gulf of Alaska (GOA) Groundfish Fisheries	0648-AU24
715	Amendment 10 to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish	0648-AU31
716	Framework 43 to the Northeast Multispecies Fishery Management Plan	0648-AU33
717	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan	0648-AU35
718	Amendment 21 to the Fishery Management Plan for the Bering Sea and Aleutian Islands Crabs	0648-AU37
719	Implement the 2006 Acceptable Biological Catch and Optimum Yield for Pacific Whiting	0648-AU39
720	Control Date for Northeast Multispecies Charter/Party Boat Fishery	0648-AU40
721	Fisheries off West Coast States and in the Western Pacific; Removal of Delayed Effectiveness Closure for Shallow-set Longline Fishery	0648-AU41
722	Establish Voluntary Fishing Capacity Reduction Program in the Longline Catcher Processor Subsector of the BSAI Non-pollock Groundfish Fishery	0648-AU42
723	Revision of Crab Economic Data Reports (EDRs)	0648-AU44
724	Allocation of Trips into the Closed Area II Yellowtail Flounder Special Access Program	0648-AU45
725	Reinstate the Atlantic Sea Scallop Fishery Management Plan's (Scallop FMP) Observer Set-aside Program and Implement an Observer Provider Certification Program	0648-AU47
726	Amendment 14; Small-Mesh Multispecies Limited Access Program and Control Date	0648-AU49
727	Implement a Great South Channel Scallop Dredge Exemption for General Category Scallop Vessels	0648-AU50
728	Notice of Reaffirmation of a Control Date for the Hagfish Fishery	0648-AU55
729	North Atlantic Whale Protection	0648-AM85
730	Regulations Implementing the Bottlenose Dolphin Take Reduction Plan	0648-AR39
731	Sea Turtle Requirements for Commercial Scallop Fishing	0648-AS92
732	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, CA	0648-AT46
733	Taking of Marine Mammals Incidental to Commercial Fishing Operations, Atlantic Large Whale Take Reduction Plan (ALWTRP) and Endangered Species Conservation; Restrictions to Fishing Activities	0648-AU23
734	Northwestern Hawaiian Islands National Marine Sanctuary; Designation and Implementation of Regulations	0648-AS83
735	Licensing of Private Land Remote-Sensing Space Systems	0648-AT00
736	Northwestern Hawaiian Islands Marine National Monument Joint Codifying Regulations	0648-AU82

National Telecommunications and Information Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
737	Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes (Reg Plan Seq No. 24)	0660-AA16

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

Patent and Trademark Office—Prerule Stage

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

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Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
739	Changes to Representation of Others Before the U.S. Patent and Trademark Office	0651-AB55
740	Amendment of Trademark Rules of Practice	0651-AB89
741	Amendment of Rules for Filing Intent to Use Documents in Section 1(b) Applications	0651-AB90
742	Examination of Patent Applications That Include Claims Containing Markush or Other Alternative Language	0651-AC00
743	Changes in the Requirements for Filing Requests for Reconsideration of Final Office Actions in Trademark Cases	0651-AC05
744	Revision of Patent and Trademark Fees for Fiscal Year 2008	0651-AC07

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
745	Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board	0651-AB56
746	Revision of Ex Parte and Inter Partes Reexamination Practice	0651-AB77

Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
747	Changes to Implement Priority Application Exchange Between Intellectual Property Offices	0651-AB75
748	Revision of Patent Fees for Fiscal Year 2007	0651-AB81
749	Acceptance, Processing, Use and Dissemination of Chemical and Three-Dimensional Biological Structural Data in Electronic Format	0651-AB91
750	Revisions to Facilitate Web-Based Patent Correspondence and Amendment Requirements for Reissue Applications and Reexamination Proceedings	0651-AB92
751	Changes to Practice for Continuing Applications, Requests for Continued Examination Practice, and Applications Containing Patentably Indistinct Claims	0651-AB93
752	Changes to Practice for the Examination of Claims in Patent Applications	0651-AB94
753	Changes to Information Disclosure Statement Requirements and Other Related Matters	0651-AB95
754	Pre-Brief Appeal Conference for Patent Applications Under Appeal to the Board of Patent Appeals and Interferences	0651-AB96
755	Changes to Examination Practice for Means- (or Step-) Plus-Function Claim Elements in Patent Applications	0651-AB97
756	Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility	0651-AB98
757	Revision to the Time for Required Filing of a Biological Deposit and to the Date of Availability of the Biological Deposit	0651-AB99
758	Changes to Eliminate the Disclosure Document Program	0651-AC01
759	Changes to Implement Preexamination Search Reports	0651-AC03
760	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
761	Changes to Implement the Refund Provisions of the United States Patent and Trademark Fee Modernization Act of 2004	0651-AB79
762	Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings	0651-AC02

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

Proposed Rule Stage

**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	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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

RIN: 0691-AA61

**462. • 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	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, Department of Commerce, 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 Economic Analysis (BEA)

Final Rule Stage

**463. BENCHMARK SURVEY OF
TRANSACTIONS BETWEEN U.S. AND
FOREIGN PERSONS IN SELECTED
SERVICES AND IN 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 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	12/00/06	
Final Action Effective	01/00/07	

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

Department of Commerce (DOC)

Completed Actions

Bureau of Economic Analysis (BEA)

464. CHANGE IN REPORTING REQUIREMENTS FOR BE-577, DIRECT TRANSACTIONS OF U.S. REPORTER WITH FOREIGN AFFILIATE**Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 3101 to 3108**CFR Citation:** 15 CFR 806**Legal Deadline:** None**Abstract:** This action would amend 15 CFR 806.14 to change the reporting requirements for the BE-577, Direct Transactions of U.S. Reporter with

Foreign Affiliate, and to bring the survey into conformity with the BE-10, Benchmark Survey of U.S. Direct Investment Abroad-2004.

Timetable:

Action	Date	FR Cite
NPRM	03/01/06	71 FR 10454
NPRM Comment Period End	04/01/06	
Final Action	06/20/06	71 FR 35388
Final Action Effective	07/20/06	

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

Department of Commerce (DOC)

Final Rule Stage

Bureau of the Census (CENSUS)

465. 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	12/00/06	

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**466. 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	12/00/06	

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)

Long-Term Actions

Bureau of the Census (CENSUS)

467. 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

DOC—CENSUS

Long-Term Actions

Government Levels Affected: Federal, State

Agency Contact: Catherine C. McCully

Phone: 301 763-4039

RIN: 0607-AA42

Department of Commerce (DOC)

Final Rule Stage

Economic Development Administration (EDA)

468. 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	12/00/06	

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)

Proposed Rule Stage

General Administration (ADMIN)

469. • 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	12/00/06	
Final Action	02/00/07	
Final Action Effective	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gary W. Johnson, Senior Policy Specialist, Department of Commerce, 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)

Final Rule Stage

General Administration (ADMIN)

470. 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	12/00/06	

DOC—ADMIN

Final Rule Stage

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

**Department of Commerce (DOC)
General Administration (ADMIN)**

Long-Term Actions

471. • DISCLOSURE OF GOVERNMENT INFORMATION; RESPONSIBILITY FOR RESPONDING TO FREEDOM OF INFORMATION ACT REQUESTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552A; 5 USC 553; 31 USC 3717; 44 USC 3101; ...

CFR Citation: 15 CFR 4

Legal Deadline: None

Abstract: The Department of Commerce (Department) amends its regulations to

establish the date that the Department uses in identifying those records that it may consider when responding to a Freedom of Information Act request. The Department takes this action pursuant to a court order that enjoins it from further use of its current regulations.

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, 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-AA22

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

Proposed Rule Stage

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

Priority: Substantive, Nonsignificant

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

CFR Citation: 19 CFR 351

Legal Deadline: None

Abstract: On May 19, 1997 (62 FR 27296), the Department of Commerce (the Department) published final rules on inter alia procedures for conducting antidumping and countervailing duty proceedings to conform the Department's existing regulations to the Uruguay Round Agreements Act (URAA). Although these regulations contain provisions on the conduct of sunset reviews, the Department is planning to amend the regulations to provide more guidance on the procedures for conducting sunset reviews. Specifically, the Department 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	12/00/06	
Final Action	12/00/07	

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

473. • 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 be 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

DOC—ITA

Proposed Rule Stage

process, and make minor editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: Undetermined**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

Department of Commerce (DOC)

Final Rule Stage

International Trade Administration (ITA)

474. 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	12/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Robert E. Nielsen, Senior Attorney, Department of Commerce, International Trade Administration, 14th Street and

Pennsylvania Avenue, NW., Washington, DC 20230
Phone: 202 482-5340
Email: robert_neilsen@ita.doc.gov

RIN: 0625-AA66**475. • MEXICAN CEMENT IMPORT LICENSING SYSTEM****Priority:** Other Significant**Legal Authority:** 13 USC 5301(a); 13 USC 302**CFR Citation:** 15 CFR 360**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
NPRM Comment	06/30/06	
Period End		
Final Action	12/00/06	

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**476. • 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	12/00/06	

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)
International Trade Administration (ITA)
Long-Term Actions
**477. COMMERCIAL AVAILABILITY OF
 FABRIC AND YARN**
Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 345
Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis
 Required:** Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Janet Heinzen
 Phone: 202 482-4006

RIN: 0625-AA59

Department of Commerce (DOC)
Bureau of Industry and Security (BIS)
Prerule Stage
**478. 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.
 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: 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
ANPRM	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-AD70

**479. • 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	12/00/06	

**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

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

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 7420, 7430(e); 30 USC 185(s), 185(u); 42 USC 6212; 43 USC 1354

CFR Citation: 15 CFR 750; 15 CFR 754

Legal Deadline: None

Abstract: The Bureau of Industry and Security is amending the short supply provisions of the Export Administration Regulations to revise the restrictions on exports of crude oil.

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: None

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

RIN: 0694-AC25

**481. ADDITIONAL PROTOCOL
 REGULATIONS**

Priority: Other Significant

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

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

Legal Deadline: None

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

In the aftermath of the 1991 Persian Gulf War, international inspectors determined that Iraq had been engaged in a clandestine nuclear weapons

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

Declarations submitted under the U.S. Additional Protocol would provide the IAEA with information about additional aspects of the U.S. nuclear fuel cycle, including mining and milling of nuclear materials, nuclear-related equipment manufacturing, nuclear-related imports and exports, research and development not involving nuclear material, and other nuclear material activities not currently subject to the U.S. Safeguards Agreement. There are no routine inspections under the U.S. Additional Protocol, but IAEA inspectors may be provided access (referred to as "complementary access") to the U.S. nuclear fuel cycle to assure the absence of undeclared nuclear material and activities or where there is a question or an inconsistency about the completeness or correctness of the U.S. declaration, which could relate to declared or undeclared industrial locations. Access to most industrial

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

**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

**482. • 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. Major status under 5 USC 801 is undetermined.

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

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Proposed Rule Stage

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	01/00/07	

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

Final Rule Stage

483. 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	03/00/07	

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**484. CLARIFICATIONS TO PART 752: SPECIAL COMPREHENSIVE LICENSE REQUIREMENTS****Priority:** Substantive, Nonsignificant

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

CFR Citation: 15 CFR 700 to 799**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	03/00/07	

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-AC34**485. ADMINISTRATIVE ACTION PROVIDING FOR ORDER TO STOP SPECIFIC EXPORTS OR REEXPORTS OTHERWISE ELIGIBLE UNDER DESIGNATION NLR****Priority:** Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 22 USC 2151; PL 108-175; EO 12938 ; EO 13020 ; ...

CFR Citation: 15 CFR 732; 15 CFR 736; 15 CFR 740; 15 CFR 748; 15 CFR 758

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by clarifying the authority of BIS to issue an order informing any person that a

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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 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	12/00/06	

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**486. IMPOSITION OF LICENSE REQUIREMENT FOR EXPORTS AND REEXPORTS OF MISSILE TECHNOLOGY (MT)-CONTROLLED ITEMS TO CANADA****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2501 et seq; ...**CFR Citation:** 15 CFR 738; 15 CFR 742**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	12/20/01	66 FR 65666
NPRM	05/24/05	70 FR 29660
Comment Period End	06/23/05	
Final Rule	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-AC48**487. LICENSE EXCEPTION GOV EXPORTS AND REEXPORTS FOR OFFICIAL IAEA INTERNATIONAL INSPECTION AND VERIFICATION USE IN ACCORDANCE WITH THE U.S.-IAEA SAFEGUARDS AGREEMENT, AS AMENDED BY THE ADDITIONAL PROTOCOL****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; PL 106-387; ...**CFR Citation:** 15 CFR 740**Legal Deadline:** None

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

official international inspection and verification activities by the IAEA under the terms of the U.S.-IAEA Safeguards Agreement, as amended by the Additional Protocol.

Timetable:

Action	Date	FR Cite
Final Rule	03/00/07	

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-AD26**RIN:** 0694-AD27**488. REVISIONS AND CLARIFICATION OF LICENSE EXCEPTION AVAILABILITY FOR CERTAIN CRIME CONTROL ITEMS AND REMOVAL OF LICENSE REQUIREMENTS ON OTHER 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 expands and clarifies the availability of License Exceptions for items listed on the Commerce Control List (CCL) for Crime Control reasons. It also removes some such items from the CCL altogether by removing four Export Control Classification Numbers (ECCN) from that list. The Bureau of Industry and Security (BIS) is making these changes because it has concluded that these License Exception exclusions and the license requirements that were imposed pursuant to the ECCNs are not necessary for the continued support of U.S. foreign policy to promote human rights throughout the world. Such support is the basis for crime control

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export license requirements as stated in section 742.7 of the EAR. This rule also reiterates and emphasizes BIS policy of treating specially designed implements of torture and similar items differently than crime control items that have legitimate law enforcement uses by creating a separate paragraph in section 740.2 excluding the former from all license exceptions. Finally this rule makes technical corrections in several ECCNs.

Timetable:

Action	Date	FR Cite
Final Action	12/00/06	

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

489. 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, 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
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

490. 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 (note); 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

491. 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, sec 901 to 911 ; PL 107-56, sec 221; PL 108-11, sec 1503; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222; 50 USC app 2401

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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	01/00/07	

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

492. 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

Legal Authority: 50 USC 1701 et seq; 18 USC 2510 et seq; 22 USC 3201 et seq; 42 USC 2139; 50 USC App 2401 et seq; PL 106-387; PL 107-56; PL 108-11,117; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

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

Legal Deadline: None

Abstract: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to implement changes to export and reexport controls with respect to Libya. Specifically, in this rule, BIS establishes a License Exception authorizing the export or reexport to U.S. persons in Libya of certain items listed on the Commerce Control List and controlled for anti-terrorism (AT) reasons. This rule is consistent with the President's decision to modify United States' sanctions against Libya, in response to Libya's continuing efforts to dismantle its weapons of mass destruction and missile programs and its renunciation of terrorism.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/05	70 FR 69432
Final Action	12/00/06	

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 2096, Washington, DC 20230

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

Related RIN: Related to 0694-AD14

RIN: 0694-AD57

493. IMPLEMENTATION OF THE UNDERSTANDINGS REACHED AT THE 2004 GOTEVARG 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 108-11,117 Stat. 559; 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 Gotevarg and 2005 Oslo Nuclear

Supplier Group (NSG) Plenary Meetings.

Timetable:

Action	Date	FR Cite
Final Action	12/00/06	

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

494. CONFORMING CHANGES TO CERTAIN END-USER/END-USE BASED CONTROLS IN THE EAR; CLARIFICATION OF EXPORT CLEARANCE REQUIREMENTS UNDER THE EAR

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 22 USC 3201; 42 USC 2139a; EO 12058; ...

CFR Citation: 15 CFR 744; 15 CFR 758

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending 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. In addition, this rule amends the EAR to 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. This rule also amends the export clearance requirements in the EAR to clarify that BIS has the authority to order the return or unloading of U.S.-origin items that are being transshipped to another country, when there are reasonable grounds to believe a violation of the EAR may occur, and that this authority

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extends to U.S.-origin items that may have briefly entered the territory of a foreign country, but that have yet to be considered in the official jurisdiction of that foreign country.

Timetable:

Action	Date	FR Cite
Final Action	12/00/06	

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

495. 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 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	12/00/06	

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

496. 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
Final Rule	01/00/07	

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-AD64

497. 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 RS 1 reason for control with a RS 2 reason for control for certain higher performance level cameras. This rule retains the RS 1 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

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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

498. 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	12/00/06	

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

499. • REVISIONS AND CLARIFICATION OF EXPORT AND REEXPORT CONTROLS FOR THE PEOPLE'S REPUBLIC OF CHINA (PRC); NEW LICENSE EXCEPTION CERTIFIED END-USER

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 proposed amendments include a revision to the licensing review policy for items controlled on the Commerce Control List (CCL) for reasons of national security, including a new control based on positive knowledge of a military end-use on exports to the PRC of certain CCL items that otherwise do not require a license to the PRC. In addition, this rule would require exporters to obtain an End-User Certificate, issued by the PRC Ministry of Commerce, for all items that require a license to the PRC for any reason and that exceed a total value of \$5,000. This rule also would eliminate the requirement that exporters submit PRC End-User Certificates to BIS as required to support documentation provided with the license application; but would require exporters to include the serial number of the PRC End-User Certificate in an appropriate field of the license application, and to retain the PRC End-User Certificate in accordance with the recordkeeping provisions of the EAR. Finally, this rule would create a new procedure for validated end-users to whom eligible items may be exported or reexported to eligible destinations, including the PRC. These proposed amendments are consistent with the policy of the United States Government to prevent U.S. exports to the PRC that would make a material contribution to the PRC's military capability, while facilitating U.S. exports to legitimate civil end-users.

Timetable:

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

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 2096, Washington, DC 20230
Phone: 202 482-2440
Email: squarter@bis.doc.gov

RIN: 0694-AD75

500. • 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	02/00/07	

Regulatory Flexibility Analysis Required: No

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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

501. • 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

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

CFR Citation: 15 CFR 734; 15 CFR 738; 15 CFR 740; 15 CFR 742; ...

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to implement the decision of the United States on June 29, 2006, to rescind Libya's designation as a state sponsor of terrorism. To implement that change, BIS amends the EAR by removing Libya from the list of terrorist supporting countries in Country Group E:1, and by making other conforming amendments and related revisions throughout the EAR. In particular, Libya is added to Country Group D:1 but remains in Country Groups D:2, D:3, and D:4. This rule is consistent with the President's May 12, 2006, report to Congress certifying that Libya did not provide any support for international terrorism during the preceding six months and that Libya has provided assurances that it will not support future acts of international terrorism.

This rule also revises the EAR to reflect the fact that, in October 2004, the United States rescinded Iraq's designation as a state sponsor of terrorism. As a result of the rescission of this designation, BIS may no longer control for anti-terrorism (AT) reasons items for which BIS previously required a license for export or reexport to Iraq, or for transfer within Iraq. Note that BIS now controls these items for regional stability (RS) reasons and

continues to require a license for their export or reexport to Iraq, or transfer within Iraq. This rule also amends the EAR to delete all references to Iraq's status as a Designated State Sponsor of Terrorism.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/06	71 FR 51714
Interim Final Rule	10/02/06	
Comment Period		
End		
Final Rule	12/00/06	

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 2096, Washington, DC 20230

Phone: 202 482-2440

Email: squarter@bis.doc.gov

RIN: 0694-AD81

502. • ADDITION OF "SERBIA" AND "MONTENEGRO" AS SEPARATE DESTINATIONS IN THE EXPORT ADMINISTRATION REGULATIONS

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 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	12/00/06	

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

503. • 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 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

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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	12/00/06	

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

504. • 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	12/00/06	

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

505. • TECHNICAL CORRECTIONS TO THE EXPORT ADMINISTRATION REGULATIONS

Priority: Routine and Frequent

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

CFR Citation: 15 CFR 734; 15 CFR 740; 15 CFR 742; 15 CFR 748; ...

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to remove an outdated reference to another agency's form that is no longer used by that other agency; to correct two references in the EAR that inadvertently directed people to the wrong sections of the EAR; to correct two misspelled words; to correct a telephone number and address to conform with the current telephone number and address in use; and to correct an email address to conform with the current email address in use.

Timetable:

Action	Date	FR Cite
Final Action	12/00/06	

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

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

Long-Term Actions

506. 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

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Long-Term Actions

Email: tmooney@bis.doc.gov

RIN: 0694-AC04

507. 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

508. 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

509. 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

510. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 748 to 750

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bis.doc.gov

RIN: 0694-AC23

511. 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

512. 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

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

Priority: Substantive, Nonsignificant

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

...

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman

Phone: 202 482-2440

Email: squarter@bis.doc.gov

Related RIN: Related to 0694-AB41

RIN: 0694-AC82

514. 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

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Long-Term Actions

515. CLARIFICATION OF "SPACE-QUALIFIED" PARTS, COMPONENTS, AND TECHNOLOGY SUBJECT TO THE EXPORT ADMINISTRATION REGULATIONS**Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 744**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**516. 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**517. 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**518. 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

require the U.S. chemical industry and other private entities to submit declarations, notifications and other reports and also to provide access for on-site inspections conducted by inspectors sent by the Organization for the Prohibition of Chemical Weapons (OPCW). Executive Order (EO) 13128 delegates authority to the Department of Commerce to promulgate regulations, obtain and execute warrants, provide assistance to certain facilities, and carry out appropriate functions to implement the Chemical Weapons Convention (CWC), consistent with the Act. The Department of Commerce implements CWC import restrictions under the

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**519. 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. Vaccaro

Phone: 202 482-8232

Fax: 202 482-5650

Email: mvaccaro@bis.doc.gov

RIN: 0694-AD69

Department of Commerce (DOC)

Bureau of Industry and Security (BIS)

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520. CHEMICAL WEAPONS CONVENTION REGULATIONS**Priority:** Other Significant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222**CFR Citation:** 15 CFR 710 et seq**Legal Deadline:** None**Abstract:** The Chemical Weapons Convention Implementation Act of 1998 (the Act or CWCIA) (22 U.S.C. 6701 et seq.), enacted on October 21, 1998, authorizes the United States to

authority of the International Emergency Economic Powers Act, the National Emergencies Act, and EO 12938, as amended by EO 13128. The Departments of State and Commerce have implemented the CWC export restrictions under their respective export control authorities. EO 13128 designates the Department of State as the United States National Authority (USNA) for purposes of the CWC and the Act.

On December 30, 1999, the Bureau of Industry and Security (BIS), U.S. Department of Commerce, published an interim rule that established the Chemical Weapons Convention

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Regulations (CWCR) (15 CFR parts 710 to 722). The CWCR implemented the provisions of the CWC, affecting U.S. industry and U.S. persons, in accordance with the provisions of the Act. This rule updates the CWCR to include additional requirements identified as necessary for the implementation of certain CWC provisions and amends the CWCR to clarify other CWC requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/21/99	64 FR 39193
Interim Final Rule	12/30/99	64 FR 73744
Second NPRM	12/07/04	69 FR 70754
Final Rule Effective	04/27/06	71 FR 24918

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

RIN: 0694-AB06

521. MANDATORY ELECTRONIC FILING OF LICENSE APPLICATIONS, CLASSIFICATION REQUESTS, AND LICENSE EXCEPTIONS NOTIFICATIONS VIA BIS'S SIMPLIFIED NETWORK APPLICATION PROCESS (SNAP)

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: This rule would change the Export Administration Regulations as needed to implement a revised version of the Bureau of Industry and Security's Simplified Network Application Processing (SNAP) system. This rule also would make use of that system mandatory for all filings of Export License applications (except Special

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

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64009
NPRM Comment Period End	01/12/04	
Withdrawn	07/13/06	71 FR 39603

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-AC20

522. KNOWLEDGE DEFINITION, SAFE HARBOR, RED FLAGS

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/13/04	69 FR 60829
NPRM Comment Period Extended	11/15/04	69 FR 65555
Withdrawn	10/18/06	71 FR 61435

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-AC94

523. EXPORT ADMINISTRATION REGULATIONS: ESTABLISH SPECIAL INTRA-COMPANY LICENSE (SIL)

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 730; 15 CFR 732; 15 CFR 738; 15 CFR 753; ...

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) to establish a new license authorization entitled "Special Intra-company License (SIL)." The SIL allows companies to export certain technology and source code to its approved controlled in fact subsidiaries overseas,

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including deemed exports to authorized foreign nationals working in its facilities. In addition, it allows approved subsidiaries to reexport and transfer (within country) certain technology and source code to other authorized subsidiaries, including deemed reexports to authorized (third country) foreign nationals.

Timetable:

Action	Date	FR Cite
Withdrawn	08/06/06	

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-AD22

524. CUBA: CLARIFICATION OF PERSONAL BAGGAGE RULES

Priority: Other Significant

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

CFR Citation: 15 CFR 740

Legal Deadline: None

Abstract: This rule clarifies the policy implemented in a rule that the Bureau of Industry and Security published on June 22, 2004 (RIN 0694-AD17, 69 FR 34565). That rule, inter alia, placed a limit of 44 pounds on the amount of baggage that most travelers to Cuba are allowed to take under License Exception BAG. This rule clarifies that restriction by excluding wearing apparel and articles of personal adornment worn by the traveler while traveling to Cuba, and personal safety and medical commodities for use by the traveler, including wheelchairs, walkers, canes, crutches, portable medical devices (e.g., oxygen tanks), and child safety seats and strollers for use by a child traveler from that 44 pound limit.

Timetable:

Action	Date	FR Cite
Final Rule	05/25/06	71 FR 30283

Regulatory Flexibility Analysis Required:

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-AD17

RIN: 0694-AD23

525. CLARIFICATION OF DEEMED EXPORT RELATED REGULATORY REQUIREMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 734; 15 CFR 772

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) has reviewed the public comments received in response to the "Advance Notice of Proposed Rulemaking: Revision and Clarification of Deemed Export Related Regulatory Requirements" (ANPR) published in the Federal Register on March 28, 2005 (70 FR 15607; comment period extended, 70 FR 30655).

The ANPR identified recommendations contained in the U.S. Department of Commerce Office of Inspector General (OIG) Report entitled "Deemed Export Controls May Not Stop the Transfer of Sensitive Technology to Foreign Nationals in the U.S." (Final Inspection Report No. IPE-16176-March 2004). This action states that the current BIS licensing requirement related to deemed exports is appropriate and confirms that the existing definition of "use" adequately reflects the underlying export controls policy rationale in the EAR. This action also clarifies the scope of the fundamental research provisions in the EAR. In addition, this action announces the proposed establishment of a Deemed Export Advisory Committee (DEAC).

Timetable:

Action	Date	FR Cite
ANPRM	03/28/05	70 FR 15607
Comment Period Extended	05/27/05	70 FR 30655
Withdrawn	05/31/06	71 FR 30840

Regulatory Flexibility Analysis Required:

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-AD29

526. EXPANSION OF REQUIREMENT OF PEOPLE'S REPUBLIC OF CHINA (PRC) END-USER CERTIFICATES UNDER THE EAR; ELIMINATION OF SUBMISSION REQUIREMENT

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 748

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to expand the requirement for obtaining People's Republic of China (PRC) End-User Certificates as support documents for license applications. This rule requires that exporters obtain an End-User Certificate, issued by the PRC Ministry of Commerce, for all items that require a license to the PRC for any reason on the Commerce Control List (CCL) and that exceed a total value of \$5,000. This expansion is necessary to allow BIS to conduct end-use checks (pre-license checks or post-shipment verifications) on exports or reexports of such items, consistent with an agreement with the Government of the PRC. To minimize the impact that this expanded support document requirement will have on exporters, this rule eliminates the requirement that exporters submit the PRC End-User Certificate as a required support document to BIS with the license application. Instead, this rule requires exporters to include the serial number of the PRC End-User certificate in the appropriate field of the license application, and to retain the PRC End-User Certificate in accordance with the recordkeeping provisions of the EAR. This rule also updates the name and contact information of the government entity in the People's Republic of China

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(PRC) that issues PRC End-User Certificates. This rule removes and reserves a paragraph that is obsolete since it was primarily used for the Import Certificate/Delivery Verification (IC/DV) system implemented during the Coordinating Committee for Multilateral Export Controls (COCOM), which is no longer in operation.

Timetable:

Action	Date	FR Cite
Merged With	07/06/06	71 FR 38313

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

Related RIN: Merged with 0694-AD75

RIN: 0694-AD52

527. REVISED APPEAL PROCEDURE FOR PERSONS DESIGNATED AS RELATED PERSONS TO DENIAL ORDERS ISSUED PURSUANT TO SECTION 766.25 OF THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 756; 15 CFR 766

Legal Deadline: None

Abstract: Section 766.23 of the Export Administration Regulations (EAR) provides that “[i]n order to prevent evasion” orders denying export privileges may be made applicable to “persons then or thereafter related to the respondent [in a denial order proceeding] by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business.” Section 766.23 may be used to make applicable to a related person an order denying export privileges issued pursuant to any provision of part 766. Prior to publication of this rule, section 766.23(c) provided that any such related person “may file an appeal with the administrative law judge” and that “[t]he recommended decision and order

of the administrative law judge shall be reviewed by the Under Secretary in accordance with the procedures set forth in section 766.22 of this part.” This rule revises section 766.23(c) to eliminate three procedural inconsistencies involving either appeal by a related person of an order imposed under section 766.25 for violation of a specified statute, a decision by the administrative law judge that makes an order issued for a violation of part 760 applicable to a related person, or an order issued pursuant to section 766.24 to prevent an imminent violation of the Export Administration Act, the Export Administration Regulations, or any order, license or authorization issued thereunder.

Prior to publication of this rule, a person named as a related person to an order issued pursuant to section 766.25 had a right of appeal to the administrative law judge. However, the respondent in an order issued pursuant to section 766.25 had a right of appeal to the Under Secretary under part 756 of the EAR. These separate and distinct appeals procedures could unnecessarily bifurcate administrative proceedings. Section 766.25 provides the procedure for imposing denials of export privileges for up to 10 years for persons convicted of statutes specified in section 11(h) for the Export Administration Act.

Prior to publication of this rule, section 766.23(c) provided that any decision of the administrative law judge making an order applicable to a related person “shall be reviewed by the Under Secretary in accordance with the procedures set forth in section 766.22 . . . (emphasis added).” Such procedure for related persons is consistent with the procedure for respondents in orders issued for violations of the EAR that are not related to part 760. However, the provision for the respondent to appeal the administrative law judge’s order for a violation related to part 760 (restrictive trade practices and boycotts) is section 766.21, which provides that such decision may be appealed to the Under Secretary. This situation could also create unnecessarily inconsistent and bifurcated proceedings, as the administrative law judge decision making an order issued for a violation related to part 760 applicable to a related person would be subject to mandatory Under Secretary review whereas the decision of the administrative law judge with respect

to the respondent in that same order would become the final agency action absent an appeal to the Under Secretary.

Prior to publication of this rule, section 766.24(d)(3)(ii) stated that a person designated as a related person to a denial order issued pursuant to section 766.24 might file an appeal in accordance with section 766.2(3)(c) (sic). Section 766.23(c) provided that recommended decisions of the administrative law judge be reviewed in accordance with the procedures set forth in section 766.22. Those procedures differ from the procedures for review of recommended decisions by the administrative law judge with respect to orders issued pursuant to section 766.24.

Timetable:

Action	Date	FR Cite
Final Rule	05/13/06	71 FR 27604

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-AD60

528. IMPLEMENTATION OF UNILATERAL CHEMICAL/BIOLOGICAL CONTROLS ON CERTAIN BIOLOGICAL AGENTS AND TOXINS SELECTED FOR DOMESTIC CONTROL BY CDC AND APHIS; CLARIFICATION OF CONTROLS ON CERTAIN MEDICAL PRODUCTS

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: This rule amends the Export Administration Regulations (EAR) to establish export and reexport controls on certain biological agents and toxins (i.e., “select agents and toxins”) that have been determined by the Centers

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for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, and the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, to have the potential to pose a severe threat to human, animal, and plant life, as well as certain sectors of the U.S. economy (e.g., agriculture). Specifically, this rule adds a new entry to the Commerce Control List (CCL) to control those CDC and/or APHIS "select agents and toxins" (including associated genetic elements, recombinant nucleic acids, and recombinant organisms) not specified elsewhere on the CCL. The export/reexport controls imposed by this rule complement the controls that CDC and APHIS have imposed on the possession, use, and transfer of these items within the United States. This rule also amends the EAR to clarify controls on certain medical products containing Australia Group (AG) controlled toxins, other than ricin or saxitoxin, by defining them to include pharmaceutical formulations, prepackaged for distribution as clinical or medical products, that have been approved by the Food and Drug Administration (FDA) for use as an "Investigational New Drug" (IND). This clarification is consistent with the AG exemption for such clinical and medical products, which may be designed for testing, as well as human administration, in the treatment of medical conditions. In addition, this rule removes license requirements for exports and reexports to St. Kitts and Nevis of items that require a license for export or reexport only to countries of concern for chemical and biological weapons reasons, since St. Kitts and Nevis are not listed among the countries of concern in Country Group D:3. Finally, this rule updates the list of countries that currently are States Parties to the Chemical Weapons Convention (CWC) by adding Antigua and Barbuda, Bhutan, Cambodia, the Democratic Republic of the Congo, Grenada, Honduras, and Vanuatu.

Timetable:

Action	Date	FR Cite
Final Action	06/12/06	71 FR 33614

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-AD62**529. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON THE 2005 MISSILE TECHNOLOGY CONTROL REGIME PLENARY AGREEMENTS****Priority:** Substantive, Nonsignificant

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

CFR Citation: 15 CFR 740; 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 September 2005 Plenary in Madrid, Spain. The amendments set forth in this rule also reflect a change to make one additional missile technology (MT) controlled item available for certain license exceptions.

Timetable:

Action	Date	FR Cite
Final Action	07/31/06	71 FR 43043
Final Action	09/06/06	71 FR 52428

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., Washington, DC 20230
Phone: 202 482-3371
Email: tmooney@bis.doc.gov

RIN: 0694-AD65**530. IMPLEMENTATION OF NEW FORMULA FOR CALCULATING COMPUTER PERFORMANCE: ADJUSTED PEAK PERFORMANCE (APP) IN WEIGHTED TERAFLUPS; BULGARIA; XP AND NP CONTROLS****Priority:** Other Significant

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

CFR Citation: 15 CFR 732; 15 CFR 734; 15 CFR 740; 15 CFR 742; ...

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 implements the Wassenaar Arrangement agreement to revise the formula for calculating computer performance from Composite Theoretical Performance (CTP) measured in Millions of Operations Per Second (MOPS) to Adjusted Peak Performance (APP) measured in Weighted TeraFLOPS (WT). In addition, the rule makes conforming changes to the EAR based on the new computer parameter, such as revising the name of License Exception CTP to License Exception APP, as well as, the parameters for eligibility.

This rule also moves Bulgaria from Computer Tier 3 to Computer Tier 1.

Additionally, this rule removes High Performance Computer (XP) and Nuclear Non-proliferation (NP) controls from certain Export Control Classification Numbers (ECCNs) in Category 4 of the Commerce Control List. This rule also removes and reserves section 742.12, which was dedicated to high performance computer controls.

Timetable:

Action	Date	FR Cite
Final Action	04/24/06	71 FR 20876

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

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Email: scook@bis.doc.gov

RIN: 0694-AD66

531. CLARIFICATION TO THE EXPORT ADMINISTRATION REGULATIONS; GENERAL ORDER TO IMPLEMENT THE SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY ACT

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC App 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139; PL 106-387; PL 107-56; PL 108-11,117; EO 12058; EO 13222; ...

CFR Citation: 15 CFR 742; 15 CFR 746

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) by adding two cross-references to the General Order Implementing the Syria Accountability and Lebanese Sovereignty Act (Syria General Order) to clarify that provisions of the Syria General Order set forth special controls on exports and reexports to Syria and supersede other provisions in the EAR specific to Syria.

Timetable:

Action	Date	FR Cite
Final Action	02/24/06	71 FR 9441

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 2096, Washington, DC 20230

Phone: 202 482-2440

Email: squarter@bis.doc.gov

Related RIN: Related to 0694-AC99

RIN: 0694-AD68

532. DECEMBER 2005 WASSENAAR ARRANGEMENT PLENARY AGREEMENT IMPLEMENTATION: CATEGORIES 1, 2, 3, 5 PART I (TELECOMMUNICATIONS), 5 PART II (INFORMATION SECURITY), 6, 8, AND 9 OF THE COMMERCE CONTROL LIST; W

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 740; 15 CFR 743; 15 CFR 772; 15 CFR 774

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This rule revises certain entries controlled for national security reasons in categories 1, 2, 3, 5 part I (telecommunications), 5 part II (Information Security), 6, 8, and 9, and Definitions to conform with changes in the Wassenaar Arrangement's List of Dual-Use Goods and Technologies 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). The Wassenaar Arrangement focuses on implementation of effective export controls on strategic items with the objective of improving regional and international security and stability.

The purpose of this rule is to make the necessary changes to the CCL, definitions of terms used in the Export Administration Regulations (EAR), and Wassenaar reporting requirements to implement Wassenaar List revisions that were agreed upon in the December 2005 Wassenaar Arrangement Plenary Meeting. In addition, this rule adds Croatia, Estonia, Latvia, Lithuania, South Africa, and Malta to the list of Wassenaar participating states in the EAR, which brings the total number of participating states to 39.

This rule also adds or expands unilateral U.S. controls, nuclear nonproliferation controls, and national security controls on certain items consistent with the amendments made to implement the Wassenaar Arrangement's decisions.

Timetable:

Action	Date	FR Cite
Final Action	09/06/06	71 FR 52956

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-AD73

533. • REVISIONS TO CIVIL PENALTY PROVISIONS OF THE EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 764

Legal Deadline: None

Abstract: The Bureau of Industry and Security amends its regulations to implement the increase in the maximum civil penalty as provided in the USA Patriot Act Improvement and Reauthorization Act of 2005. On March 9, 2006, the USA Patriot Act Improvement and Reauthorization Act of 2005, amended section 206 of the International Emergency Economic Powers Act to raise the maximum civil penalty to \$50,000. This rule amends section 764.3(a)(1)(i) to state that the maximum civil penalty is that which is authorized by the applicable authority. In effect, this change will permit BIS to impose the a civil penalty in an amount up to the \$50,000 now authorized under the USA Patriot Act.

Timetable:

Action	Date	FR Cite
Final Rule	08/04/06	71 FR 44189

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-AD74

534. • GENERAL ORDER CONCERNING MAYROW GENERAL TRADING AND RELATED ENTITIES

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401 et seq; 50 USC 1701 et seq; 42 USC 2139a; 22 USC 2151

CFR Citation: 15 CFR 736; 15 CFR 744

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Completed Actions

Legal Deadline: None

Abstract: The Bureau of Industry and Security issues this General Order to impose a license requirement for exports and reexports of all items subject to the Export Administration Regulations (EAR) where the transaction involves Mayrow General Trading or entities related, as follows: Micatic General Trading; Majidco Micro Electronics; Atlinx Electronics; Micro Middle East Electronics; Narinco; F.N. Yaghmaei; and H. Ghasir. Mayrow General Trading and all entities related are located in Dubai, United Arab Emirates. This order also prohibits the use of License Exceptions for exports or reexports of any items subject to the EAR involving these entities.

Timetable:

Action	Date	FR Cite
Final Rule	06/05/06	71 FR 32272

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0694-AD76

535. • AUTHORIZATION TO APPOINT ANY COMMERCE DEPARTMENT EMPLOYEE TO BE APPEALS COORDINATOR IN CERTAIN ADMINISTRATIVE APPEALS

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 756

Legal Deadline: None

Abstract: The Bureau of Industry and Security (BIS) revises section 756.2 of the Export Administration Regulations (EAR) to authorize the Under Secretary for Industry and Security to designate any employee of the Department of Commerce to be the coordinator for appeals of administrative actions taken under part 756 of the EAR. Such designation of employees from outside the Bureau of Industry and Security shall require the concurrence of the

head of the operating unit in which that employee is employed. Prior to publication of this rule, only a "BIS official" might have been designated as appeals coordinator.

Timetable:

Action	Date	FR Cite
Final Rule	06/13/06	71 FR 34008

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-AD78

536. • DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS): ADMINISTRATIVE AND TECHNICAL CORRECTIONS

Priority: Info./Admin./Other

Legal Authority: 50 USC app. 2061, et seq; 42 USC 5195, et seq; EO 12919; EO 13286; 50 USC app. 468; 10 USC 2538; 50 USC 82; EO 12742; EO 12656

CFR Citation: 15 CFR 700

Legal Deadline: None

Abstract: As part of its periodic review of the DPAS regulation, the Department of Commerce has identified several typographical errors and outdated provisions in the DPAS regulation. Accordingly, this rule amends the DPAS regulation to correct those errors and delete outdated or obsolete provisions and language. This rule also amends the list of approved programs in schedule I to the regulation.

Timetable:

Action	Date	FR Cite
Final Rule	07/13/06	71 FR 39526

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-AD79

537. • AMENDMENT TO GENERAL ORDER: ADDITION OF CERTAIN ENTITIES

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

CFR Citation: 15 CFR 736

Legal Deadline: None

Abstract: The Bureau of Industry and Security is revising the Export Administration Regulations (EAR) by amending a general order published on June 5, 2006, in the Federal Register to add nine additional entities related to Mayrow General Trading. That general order imposed a license requirement for exports and reexports of all items subject to the EAR where the transaction involved Mayrow General Trading or entities related, as specified in that general order. The order also prohibited the use of License Exceptions for exports and reexports of any items subject to the EAR involving such entities.

Timetable:

Action	Date	FR Cite
Final Action	09/06/06	71 FR 52426
Final Action	09/13/06	71 FR 53964

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-AD83

538. • TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY INDUSTRIAL BASE REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2061, et seq; 42 USC 5195, et seq; 50 USC app 468; 10 USC 2538; 50 USC 82; EO 12919; EO 13286; EO 12742; EO 12656

DOC—BIS

Completed Actions

CFR Citation: 15 CFR 700**Legal Deadline:** None

Abstract: Technical amendments to the Defense Priorities and Allocations System regulation (15 CFR part 700) to provide additional guidance on how persons in Canada and other foreign nations may apply for priority rating authority and special priorities assistance to obtain items in the United States, and to provide information on

how persons in the United States may obtain informal assistance in certain foreign countries to obtain items in support of approved programs.

Timetable:

Action	Date	FR Cite
Final Rule	09/20/06	71 FR 54902

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael J. Vaccaro, Senior Program Manager, Department of Commerce, Bureau of Industry and Security, 1401 Constitution Avenue NW., Mailstop 3876, Washington, DC 20230

Phone: 202 482-8232

Fax: 202 482-5650

Email: mvaccaro@bis.doc.gov

RIN: 0694-AD90

Department of Commerce (DOC)

Completed Actions

National Institute of Standards and Technology (NIST)

539. CHANGES TO FEDERAL INFORMATION PROCESSING STANDARD (FIPS) PUBLICATION 201, STANDARD FOR PERSONAL IDENTITY VERIFICATION OF FEDERAL EMPLOYEES AND CONTRACTORS

Priority: Other Significant**Legal Authority:** 40 USC 11331(a); 15 USC 278g-3(a)(c); HSPD 12**CFR Citation:** None**Legal Deadline:** None

Abstract: The National Institute of Standards and Technology (NIST) announces proposed changes to Federal Information Processing Standard (FIPS) Publication 201, Standard for Personal Identity Verification of Federal Employees and Contractors. The

changes to section 2.2, PIV Identify Proofing and Registration Requirements, and to section 5.3.1, PIV Card Issuance, will clarify the identity proofing and registration process that departments and agencies should follow when issuing identity credentials. These changes are required to make FIPS 201 consistent with the Memorandum for All Departments and Agencies (M-05-24), issued by the Office of Management and Budget on August 5, 2005, Implementation of Homeland Security Presidential Directive (HSPD) 12 — Policy for a Common Identification Standard for Federal Employees and Contractors. Before recommending these proposed changes to FIPS 201 to the Secretary of Commerce for review and approval, NIST invites comments from the

public, users, the information technology industry, and Federal, State and local government organizations concerning the proposed changes.

Timetable:

Action	Date	FR Cite
Notice	09/08/05	70 FR 53346
Final Action	03/31/06	71 FR 16289

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Michael R. Rubin, Deputy Chief Counsel, Department of Commerce, National Institute of Standards and Technology, Admin Building, Gaithersburg, MD 20899
Phone: 301 975-2803

RIN: 0693-AB56

Department of Commerce (DOC)

Prerule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

managers, the regulated community, and the general public.

Phone: 808 944-2207

RIN: 0648-AU71

540. • 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

Timetable:

Action	Date	FR Cite
ANPRM	12/00/06	
ANPRM Comment	02/00/07	
Period End		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

541. • 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

DOC—NOAA

Prerule Stage

(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
ANPRM	06/00/07	
ANPRM 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

Department of Commerce (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

542. 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
NPRM	12/00/06	
NPRM Comment Period End	02/00/07	

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**543. 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	12/00/06	
NPRM Comment Period End	02/00/07	

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**544. 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	12/00/06	
NPRM Comment Period End	01/00/07	

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**545. 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

DOC—NOAA

Proposed Rule Stage

(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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mark Millikin, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910

Phone: 301 713-2341

RIN: 0648-AQ63

546. 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	02/00/07	

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

547. 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

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	12/00/06	
NPRM Comment Period End	01/00/07	

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

548. 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

DOC—NOAA

Proposed Rule Stage

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

549. 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	06/00/07	
Period End		

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

550. 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
NPRM	05/00/07	
NPRM Comment	06/00/07	
Period End		

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

551. COMMUNITY DEVELOPMENT QUOTA (CDQ) REGULATORY AMENDMENT TO MODIFY SEVERAL FISHERY MANAGEMENT ELEMENTS OF THE CDQ PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This regulatory amendment would modify several fishery management elements of the Community Development Quota (CDQ) Program, including: how to address which annual CDQ reserves should be allocated among CDQ groups; relaxing strict quota accountability standards; and determining a means to accommodate changes made in the annual specifications process to preexisting CDQ percentage allocations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
NPRM Comment	02/00/07	
Period End		

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-AS13

552. 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	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

553. 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.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment	11/00/07	
Period End		

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

554. 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 logbook forms in substitution of paper logbook forms for Federal data recording and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment	01/00/07	
Period End		

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-AS29

555. 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	10/12/04	
Period End		
NPRM	01/00/07	
NPRM Comment	03/00/07	
Period End		

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

556. 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 FMP, 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	12/00/06	
NPRM Comment	01/00/07	
Period End		

Regulatory Flexibility Analysis

Required: Yes

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

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

RIN: 0648-AS71

557. 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
NPRM	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

DOC—NOAA

Proposed Rule Stage

Phone: 907 586-7221

Fax: 907 586-7249

RIN: 0648-AS77

558. 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 IFQ 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 QS block program; and (6) amending vessel classification QS use allowances.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

559. 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	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

560. TRANSFER OF MANAGEMENT AUTHORITY FOR THE ATLANTIC COAST RED DRUM RESOURCE FROM THE SOUTH**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 South Atlantic Fishery Management Council's (Council's) 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 under the Magnuson-Stevens Act to under 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	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

561. AMERICAN LOBSTER FISHERY; FISHING EFFORT CONTROL MEASURES TO COMPLEMENT INTERSTATE LOBSTER MANAGEMENT RECOMMENDATIONS BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION**Priority:** Other Significant**Legal Authority:** 16 USC 5101 et seq**CFR Citation:** 50 CFR 697**Legal Deadline:** None

Abstract: The National Marine Fisheries Service announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone (EEZ) associated with effort control measures as recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (ASFMC) as outlined in the Interstate Fishery Management Plan (ISFMP) for American Lobster. This action will evaluate effort control measures in certain Lobster Conservation Management Areas including: Limits on future access based on historic participation criteria; procedures to allow trap transfers among qualifiers and impose a trap reduction or conservation tax on any trap transfers; and a trap reduction schedule to meet the goals of the ISFMP.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
ANPRM Comment Period End	06/09/05	
NPRM	12/00/06	
NPRM Comment Period End	02/00/07	

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.html>

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-AT31**562. 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	12/00/06	
NPRM Comment Period End	01/00/07	

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 W. Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

RIN: 0648-AT32**563. 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 non-regulatory 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
NPRM	12/00/06	
NPRM Comment Period End	01/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** 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-AT55**564. 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
NPRM	04/00/07	

Action	Date	FR Cite
NPRM Comment Period End	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-AT57**565. 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment Period End	01/00/07	

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**566. 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

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Proposed Rule Stage

for the summer flounder, scup, and black sea bass fisheries.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

567. 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
NPRM	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

568. FRAMEWORK 1 TO THE SURFCLAM 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	04/00/07	

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

569. 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	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

570. 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
NPRM	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

571. 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment	01/00/07	
Period End		

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

DOC—NOAA

Proposed Rule Stage

572. JOINT AMENDMENT TO THE FISHERY MANAGEMENT PLANS FOR THE SHRIMP (AMENDMENT 14) AND REEF FISH FISHERIES (AMENDMENT 27) OF THE GULF OF MEXICO**Priority:** Substantive, Nonsignificant**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 on 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 joint amendment will consider a variety of harvesting and gear restrictions to further reduce fishing mortality and fishing effort in the shrimp and red snapper fisheries.

Timetable:

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

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**573. 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; IFQ halibut, IFQ sablefish, and CDQ 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 deadline for eLandings to be in place for groundfish data entry by January 1, 2007.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment Period End	01/00/07	

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**574. WESTERN PACIFIC PRECIOUS CORALS 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	01/00/07	
NPRM Comment Period End	02/00/07	

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**575. 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 CDQ 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

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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	11/00/07	
Period End		

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

576. 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	01/12/06	
Period End		
NPRM	12/00/06	
NPRM Comment	02/00/07	
Period End		

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

RIN: 0648-AU07

577. 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. Vessel 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	06/00/07	
Period End		

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

578. 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	05/00/07	

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

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**579. 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. These changes in the species codes are not controversial and are expected to be supported by all interested entities.

Timetable:

Action	Date	FR Cite
NPRM	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**580. AMENDMENT 10 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	01/00/07	
NPRM Comment Period End	02/00/07	

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

RIN: 0648-AU22**581. 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**582. 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: Final, Statutory, July 1, 2006, Final, Statutory. Amendment 12 to the CPS FMP would implement measures to prohibit fishing for krill in the Exclusive Economic Zone off the West Coast.

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
NPRM	12/00/06	

DOC—NOAA

Proposed Rule Stage

Action	Date	FR Cite
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NPRM Comment Period End	01/00/07	
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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**583. 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	12/00/06	

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

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

RIN: 0648-AU28**584. 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	03/00/07	
NPRM Comment Period End	04/00/07	

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**585. 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	12/00/06	
NPRM Comment Period End	01/00/07	

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**586. 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	12/00/06	
NPRM Comment Period End	01/00/07	

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-AU34**587. AMENDMENT 15 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: Amendment 15 would address allocation and other issues in the summer flounder, scup, and black sea bass fisheries.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

DOC—NOAA

Proposed Rule Stage

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-AU36**588. • 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	12/00/06	
NPRM Comment Period End	01/00/07	

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, NMFS, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2367

RIN: 0648-AU46**589. • 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
NPRM	12/00/06	
NPRM Comment Period End	01/00/07	

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**590. • 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 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 small minority of 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	12/00/06	

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**591. • EXTEND THE NORTH PACIFIC GROUND FISH OBSERVER PROGRAM BEYOND 2007****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773-773k; 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

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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	12/00/06	
NPRM Comment Period End	01/00/07	

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-AU58

592. • 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	12/00/06	
NPRM Comment Period End	01/00/07	

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

593. • 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	03/00/07	

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

594. • 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	03/00/07	
NPRM Comment Period End	04/00/07	

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

595. • 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

DOC—NOAA

Proposed Rule Stage

596. • 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
NPRM	01/00/07	
NPRM Comment Period End	02/00/07	

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-AU65**597. • 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	04/00/07	
NPRM Comment Period End	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**598. • 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
NPRM	01/00/07	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**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-AU69**599. • 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 inseason 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**600. • 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

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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	12/00/06	
NPRM Comment Period End	01/00/07	

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 W. Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

RIN: 0648-AU72

601. ● 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	12/00/06	

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

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

Phone: 760 431-9440

Fax: 562 980-4047

Email: craig.heberer@noaa.gov

RIN: 0648-AU73

602. ● 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 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	03/00/07	

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

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

Phone: 760 431-9440

Fax: 562 980-4047

Email: craig.heberer@noaa.gov

RIN: 0648-AU74

603. ● 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
NPRM	12/00/06	

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

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

Phone: 760 431-9440

Fax: 562 980-4047

Email: craig.heberer@noaa.gov

RIN: 0648-AU75

604. ● 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

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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	12/00/06	
NPRM Comment Period End	01/00/07	

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 W. Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

RIN: 0648-AU78

605. • RESTRICTIONS FOR 2007 PURSE SEINE AND LONGLINE FISHERIES IN THE EASTERN TROPICAL PACIFIC OCEAN**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 951-961; 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 period, 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	12/00/06	

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

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 W. Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

RIN: 0648-AU79

606. • 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	12/00/06	
NPRM Comment Period End	01/00/07	

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

607. • 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 QS is held by fishermen on board a vessel in the BSAI and GOA; and (2) processing catcher/processor QS on board a vessel on which persons possess catcher vessel QS. catcher/processor QS is being fished.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment Period End	01/00/07	

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

608. • 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 300**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

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include adjustments to vessel upgrading restrictions and incidental trip limits consistent with other applicable requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment Period End	01/00/07	

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-AU86

609. • ATLANTIC HIGHLY MIGRATORY SPECIES; 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: The National Marine Fisheries Service (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—May 31, 2008). 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 Highly Migratory Species Fishery Management Plan. NMFS has also proposed to amend the Highly Migratory Species Fishery Management Plan to, in part, amend the fishing year and abbreviate the duration of the 2007

fishing year (June 1, 2007—December 31, 2007) as a transition period. Overall impacts to BFT fisheries from an abbreviated 2007 fishing year are anticipated to be minimal since BFT fisheries are already strictly managed with seasons, size limits, and subquotas. This proposed action is not expected to change overall fishing effort.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment Period End	01/00/07	

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

610. • 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 Service 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	12/00/06	
NPRM Comment Period End	01/00/07	

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

611. • 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 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
NPRM	04/00/07	
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

DOC—NOAA

Proposed Rule Stage

Highway, Room 13362, Silver Spring,
MD 20910
Phone: 301 713-2334

RIN: 0648-AU89

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	01/30/02	67 FR 4379
ANPRM Comment Period End	04/01/02	
NPRM	06/00/07	
NPRM Comment Period End	08/00/08	

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

613. 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	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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

Phone: 301 713-2055

Email: ken.hollingshead@noaa.gov

RIN: 0648-AQ71

614. 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 a 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	01/00/07	
NPRM Comment Period End	02/00/07	

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

615. 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	01/00/07	

DOC—NOAA

Proposed Rule Stage

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

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 W. Ocean Boulevard, No. 4200, Long Beach, CA 90802
Phone: 502 980-4015
Fax: 502 980-4027

RIN: 0648-AT78

616. 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	12/00/06	
NPRM Comment Period End	01/00/07	

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

617. 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 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	01/00/07	
NPRM Comment Period End	02/00/07	

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

618. 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	12/00/06	
NPRM Comment Period End	01/00/07	

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 W. Ocean Boulevard, No. 4200, Long Beach, CA 90802
Phone: 502 980-4015
Fax: 502 980-4027

RIN: 0648-AT82

DOC—NOAA

Proposed Rule Stage

619. 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 Comment Period End	12/00/06	
NPRM	05/00/07	

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**620. 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	01/00/07	

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

Undetermined

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

RIN: 0648-AU02**621. ● 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	12/00/06	
NPRM Comment Period End	01/00/07	

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

DOC—NOAA

Proposed Rule Stage

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

Email: maria.brown@noaa.gov

RIN: 0648-AT14

**622. 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	12/00/06	
NPRM Comment Period End	02/00/07	

**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
Fax: 415 561-6616

**623. 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	12/00/06	
NPRM Comment Period End	02/00/07	

**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
Phone: 831 647-4201
Fax: 831 647-4250
Email: william.douros@noaa.gov

RIN: 0648-AT15

**624. • 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 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	12/00/06	

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected: None

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

RIN: 0648-AU77

OFFICE OF THE ADMINISTRATOR

**625. 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	12/00/06	
NPRM Comment Period End	02/00/07	

**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)

Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

626. REQUIRE MANDATORY OBSERVER COVERAGE IN THE AT-SEA PROCESSING SECTOR OF THE WHITING FISHERY**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** Final, Statutory, 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**627. IMPLEMENTATION OF THE REGULATORY CHANGES RESULTING FROM THE AMENDMENTS AND EXTENSION OF THE SOUTH PACIFIC TUNA ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 50 CFR 300**Legal Deadline:** None**Abstract:** This 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 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	12/00/06	

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**628. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would implement a limited access program, implement management measures to management area 1A, and make other adjustments to the Atlantic Herring 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 Rule	01/00/07	

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**629. 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 Action	12/00/06	

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

DOC—NOAA

Final Rule Stage

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

630. 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	

Action	Date	FR Cite
Comment Period End	10/02/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 0648-AS67

631. AMENDMENT TO REGULATIONS IMPLEMENTING THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT OF 1984

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 2431 et seq

CFR Citation: 50 CFR 300 subpart G

Legal Deadline: None

Abstract: This amendment to regulations for Antarctic Marine Living Resources (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. The proposed 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. The proposed 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	12/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

632. WEST COAST HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN, CORRECTING AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

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
Final Action	12/00/06	

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

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Commerce, National Oceanic and Atmospheric Administration, 501 W. Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

Related RIN: Related to 0648-AP42

RIN: 0648-AS89

633. 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	12/00/06	

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

634. 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 of 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
Final Action	12/00/06	

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

635. 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	
Final Action	12/00/06	

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

636. 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 a RSA Program. The total value of the set-asides available for scallop-related research in fishing year 2006 is

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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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected:

Undetermined

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

RIN: 0648-AT68

637. 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
Comment Period End	07/14/06	
NPRM Comment Period End	07/24/06	
Final Action	12/00/06	

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

638. 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	12/00/06	

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

639. 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	12/00/06	

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

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640. 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 (EPAAct), 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 EPAAct.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/05	70 FR 69803
Final Action	12/00/06	

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 Hgwy., 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**641. FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC; GULF OF MEXICO RECREATIONAL GROUPEY 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	02/00/07	

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: Split from 0648-AT12**RIN:** 0648-AU04**642. 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 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	12/00/06	

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**643. 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

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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
Comment Period End	08/08/06	
NPRM Comment Period End	08/08/06	
Final Action	12/00/06	

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

644. 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	12/00/06	

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-AU27

645. • 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	12/00/06	

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

646. • 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

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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	10/00/07	

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: Related to 0648-AR56

RIN: 0648-AU54

647. • 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	12/00/06	

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-AU56

648. • 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	12/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

RIN: 0648-AU57

649. • ESTABLISHMENT OF QUOTAS FOR THE 2006-2007 COD, HADDOCK, AND YELLOWTAIL FLOUNDER FISHERY

Priority: Routine and Frequent

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.

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Timetable:

Action	Date	FR Cite
Final Action	02/00/07	

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

650. • 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
Final Action	02/00/07	

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

RIN: 0648-AU64

651. • 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
Final Action	12/00/06	

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

652. • 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, 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
Final Action	02/00/07	

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

RIN: 0648-AU67

653. • 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
Final Action	04/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AU76

654. • 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.

DOC—NOAA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/26/06	71 FR 56098
NPRM Comment Period End	10/26/06	
Final Rule	12/00/06	

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

655. • 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	
Final Rule	02/00/07	

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-AU84

656. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1372 (c)**CFR Citation:** 50 CFR 216**Legal Deadline:** None

Abstract: This rule will revise and simplify criteria and procedures specific to permits for taking, transporting, importing, and exporting protected species for public display and provide convenient formats for reporting marine mammal captive holdings and transports as required by amendments made in 1994 to the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Final Action	12/00/06	

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

657. 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	04/00/07	

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

658. 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 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

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Final Rule Stage

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	12/00/06	

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

659. 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	12/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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

Agency Contact: 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

660. RIGHT WHALE SHIP STRIKE REDUCTION

Regulatory Plan: This entry is Seq. No. 23 in part II of this issue of the **Federal Register**.

RIN: 0648-AS36

661. 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	12/00/06	

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 W. 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

662. 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 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	12/00/06	

DOC—NOAA

Final Rule Stage

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**663. 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	12/00/06	

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, Rm 13738, Silver Spring, MD 20910

Phone: 301 713-2322

Fax: 301-427-2522

Email: kristy.long@noaa.gov

RIN: 0648-AU19**664. 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	12/00/06	

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**665. • 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 1531-1543**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	12/00/06	

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

DOC—NOAA

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**666. 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	12/00/06	

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**667. 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 ENC) as official data. NOAA intends to offer two types of certification. The first type, "Certified NOAA ENC Distributor," is for NOAA ENCs downloading, exact copying, and redistribution of those copies of NOAA ENCs data. The second type, "Certified NOAA ENC Value Added Distributor," permits reformatting official NOAA ENCs into a System Electronic Navigational Chart (SENC) using type-approved software, and distribution of that SENC. Both types of certification result in products that meet Federal chart carriage regulations. Both types of certification permit, but do not require, compression, encryption, and packaging with other data. NOAA intends by this action to assure that quality official NOAA ENC data is offered to the public in support of safe navigation on U.S. waters.

Timetable:

Action	Date	FR Cite
NPRM	10/15/04	69 FR 61165
Final Action	12/00/06	

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

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

URL For Public Comments:

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

Agency Contact: Michael Brown, Electronic Chart Products Manager, Department of Commerce, National Oceanic and Atmospheric Administration, N/CS, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2645
Fax: 301 713-4501
Email: mike.brown@noaa.gov

RIN: 0648-AR87**668. 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 Period End	07/21/06	
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-AT17**669. 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.

DOC—NOAA

Final Rule Stage

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

Department of Commerce (DOC)

Long-Term Actions

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

670. GENERIC AMENDMENT TO PROVIDE FOR REGULATIONS OF OFFSHORE AQUACULTURE OF SELECTED FISH

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 622

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

Phone: 727 824-5305

Fax: 727 824-5308

RIN: 0648-AS65

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

671. 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

672. 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

673. REGIONAL MARINE RESEARCH PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Don Scavia

Phone: 301 713-3060

RIN: 0648-AF20

Department of Commerce (DOC)

Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

674. AMENDMENT 18A TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, February 2006, Final regulations to be published within 30 days of end of NPRM comment period.**Abstract:** Amendment 18A would address several administrative, enforcement, and monitoring issues in the Gulf of Mexico Reef Fish Fishery including: (1) The use of VMS, (2) the use of reef fish as bait, (3) the simultaneous possession of commercial and charter vessel permits on a vessel, and (4) maximum crew size on a charter vessel when fishing commercially. Additionally, the amendment would address release gear and protocols for releasing sea turtles and update the framework procedure for setting total allowable catch.**Timetable:**

Action	Date	FR Cite
Notice	04/26/06	71 FR 24635
NPRM	05/18/06	71 FR 28842
Comment Period End	06/26/06	
NPRM Comment Period End	07/03/06	
Final Action	08/09/06	71 FR 45428
Correction	08/21/06	71 FR 48483

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-AN09**675. AMENDMENT 71A TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None**Abstract:** This action would revise regulations governing the process under which a portion of the Bering Sea and Aleutian Islands quotas for groundfish, prohibited species, crab, and halibut are allocated to groups representing Western Alaska communities eligible for the Community Development Quota (CDQ) Program. The action also would revise administrative regulations for the economic development aspects of the CDQ Program. It would also allow the CDQ groups to invest in non-fisheries projects.**Timetable:**

Action	Date	FR Cite
Withdrawn	08/11/06	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State**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-AP67**676. REGULATORY AMENDMENT TO SECTION 679 PERMITS OR PERMIT-RELATED ISSUES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None**Abstract:** This rule would revise several sections of regulations that pertain to permits or permit-related issues by technical edits and clarifications to existing requirements, removal of obsolete text, and clarification and simplification of text. In addition, this rule would combine the registered buyer permit with the Federal processor permit when a shoreside processor does both IFQ and groundfish. This would be accomplished by adding an endorsement to the Federal processor permit.**Timetable:**

Action	Date	FR Cite
Merged With 0648-AT91	06/28/06	

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-AQ07**677. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); RECREATIONAL ATLANTIC BLUE AND WHITE MARLIN LANDINGS LIMIT; AMENDMENTS TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC TUNAS, SWORDFISH, AND SHARKS AND THE FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq; 16 USC 971 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None**Abstract:** This rule would withdraw the proposed rule published on September 17, 2003 (68 FR 54410), and proposes new management measures to implement domestic management measures based upon recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding recreational landings of Atlantic blue and white marlin to 250 fish. This rule also addresses numerous issues for the Atlantic tunas, swordfish, shark, and billfish fisheries. These issues include reviewing data for updates as part of a 5-year review of essential fish habitat; considering workshops to reduce bycatch and bycatch mortality, increase regulatory compliance, and increase communication with fishermen; reviewing current time/area closures and the need for modifications; addressing overfishing of finetooth sharks, northern albacore tuna, and Atlantic billfish; adjusting bluefin tuna effort controls and quota allocations to improve management; considering changes to the fishing year definition and currently authorized gear types; and correcting incorrect or outdated sections of the regulations. This rule

DOC—NOAA

Completed Actions

also combines the two fishery management plans into one document.

This action would affect fishermen fishing for highly migratory species in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea. Many of the actions in this rule will simplify or improve the management of the fisheries to help fishermen understand the regulations and the management process. Other actions in this rule could change quota allocations, but would not likely change overall quotas. Additionally, while the actions may establish new requirements, such as workshops, or modify existing requirements, such as the time/area closures, the actions are not expected to reduce the number of people fishing for highly migratory species. Some actions, for example, modifications to time/area closures, could have negative or positive economic impacts, depending on the extent of the changes needed.

Timetable:

Action	Date	FR Cite
NPRM	09/17/03	68 FR 54410
NPRM Comment Period End	10/24/03	
NPRM	08/19/05	70 FR 48804
Hearing	09/07/05	70 FR 53146
Correction	09/23/05	70 FR 55618
Correction	10/05/05	70 FR 58177
NPRM Comment Period End	10/18/05	
Hearing	12/27/05	70 FR 76441
Comment Period End	03/01/06	
Final Action	10/02/06	71 FR 58058

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-AQ65

678. REGULATORY RULEMAKING TO REVISE ACCOUNTING FOR EXTERNALLY TAGGED HALIBUT AND SABLEFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/29/06	71 FR 15687
NPRM Comment Period End	04/28/06	
Final Action	06/27/06	71 FR 36489

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-AR09

679. CATCHER VESSEL ELECTRONIC REPORT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: NMFS revises its regulations to allow the operator of a catcher vessel the option of using an NMFS-approved electronic version of the logbook in place of the paper logbook. Currently, paper daily fishing logbooks are required from catcher vessels greater than 60 feet in length overall. Requirements for completion and submittal of the logbooks exist in the regulations at 50 CFR part 679. Recent advances in technology have allowed catcher vessels to use an electronic version of the logbook to record the required information. The current regulations would be changed to reflect the different options available to catcher vessels when submitting data. The use of the electronic logbooks would not be required by NMFS at this time.

Timetable:

Action	Date	FR Cite
Merged With 0648-AT91	06/28/06	

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-AR30

680. ATLANTIC STRIPED BASS FISHERIES IN THE EEZ; MODIFICATION OF FEDERAL REGULATIONS

Priority: Other Significant

Legal Authority: 16 USC 1851

CFR Citation: 50 CFR 697

Legal Deadline: None

Abstract: The National Marine Fisheries Service (NMFS) announces that it is considering, and seeking public comment on, revisions to Federal Atlantic striped bass regulations for the U.S. Exclusive Economic Zone (EEZ) in response to recommendations from the Atlantic States Marine Fisheries Commission (Commission) to the Secretary of Commerce (Secretary). The Commission recommended that the Secretary remove the moratorium on the harvest of Atlantic striped bass in the EEZ after a 13-year closure; implement a 28-inch minimum size limit for the recreational and commercial Atlantic striped bass fisheries in the EEZ; and allow States the ability to adopt more restrictive rules for fishermen and vessels licensed in their jurisdiction. NMFS is soliciting comments with this notice regarding possible management measures and issues that NMFS should consider relative to these recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/03	68 FR 43074
ANPRM Comment Period End	08/20/03	
Comment Period Extended	08/26/03	68 FR 51232
Notice of Intent Withdrawn	10/20/03 09/08/06	68 FR 59906

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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-AR33**681. AMENDMENT 13 TO FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO, U.S. WATERS****Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

Abstract: The Gulf of Mexico Fishery Management Council is developing Amendment 13 to establish a permitting system for the royal red shrimp fishery that is complementary to the existing permit system for the penaeid shrimp fishery. In accordance with requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the Amendment also will establish or revise stock status thresholds and targets including MSY, OY, as well as the "overfished" and "overfishing" definitions for the shrimp species in the management unit, and a bycatch reporting methodology.

Timetable:

Action	Date	FR Cite
Notice	11/23/05	70 FR 70780
Comment Period End	01/23/06	
NPRM	04/05/06	71 FR 17062
NPRM Comment Period End	05/22/06	
Final Action	09/26/06	71 FR 56039

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-AS15**682. FEE SYSTEM FOR REPAYMENT OF THE LOAN TO HARVESTORS OF BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS****Priority:** Other Significant**Legal Authority:** 16 USC 1861a; 46 USC 1279f; PL 106-554**CFR Citation:** 50 CFR 600**Legal Deadline:** None

Abstract: This action would implement a fee system for repayment of the fishing capacity reduction loans in the Bering Sea/Aleutian Islands king and tanner crab fisheries.

Timetable:

Action	Date	FR Cite
NPRM	07/28/05	70 FR 43673
NPRM Comment Period End	08/29/05	
Final Rule	09/16/05	70 FR 54656
Second NPRM	03/01/06	71 FR 10451
Second NPRM Comment Period End	03/31/06	
Final Action	05/10/06	71 FR 27209

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Michael L. Grable, Chief, Financial Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2390
Email: michael.grable@noaa.gov**RIN:** 0648-AS46**683. AMENDMENTS 18 AND 19 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS—CRAB RATIONALIZATION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 679; 50 CFR 680

Legal Deadline: Other, Statutory, January 1, 2005, Secretary approval of statutorily mandated FMP Amendment.

Abstract: NMFS proposes to amend its regulations to include a new subsection

that would apply sideboard restrictions to the state waters parallel fishery. If adopted, any vessel owner or LLP holder subject to the sideboard restrictions who holds a Federal Fisheries Permit and/or LLP license would be subject to the sideboard regulations while participating in any groundfish fishery in state waters adjacent to the Gulf of Alaska.

Timetable:

Action	Date	FR Cite
Notice	09/01/04	69 FR 53359
NPRM	10/29/04	69 FR 63200
NPRM Comment Period End	12/13/04	
Final Action	03/02/05	70 FR 10174
Correction	03/18/05	70 FR 13097
Correction	06/08/05	70 FR 33390
Correction	12/20/05	70 FR 75419

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Local, State**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-AS47**684. REVISE PRECIOUS CORAL MEASURES TO INCREASE THE PROTECTION OF BLACK CORAL RESOURCES IN HAWAII****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660

Legal Deadline: NPRM, Statutory, February 2005.

Final, Statutory, May 2005.

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

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

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Timetable:

Action	Date	FR Cite
Merged With 0648-AT93	06/09/06	

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-AS64

685. AMENDMENT 25 TO THE REEF FISH FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

Abstract: Amendment 25 replaces the current moratorium (which expires June 16, 2006) on the issuance of reef fish charter vessel/headboat (recreational for-hire) permits with a limited access system.

Timetable:

Action	Date	FR Cite
Merged With 0648-AS70	05/17/06	

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

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

RIN: 0648-AS68

686. AMENDMENT 17 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

Abstract: Amendment 17 replaces the current moratorium (which expires on June 16, 2006) on the issuance of coastal migratory pelagic charter vessel/headboat (recreational for-hire) permits with a limited access system.

Timetable:

Action	Date	FR Cite
Notice	02/21/06	71 FR 8831
NPRM	03/13/06	71 FR 12662
NPRM Comment Period End	04/27/06	
Final Action	05/16/06	71 FR 28282

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

Related RIN: Merged with 0648-AS68

RIN: 0648-AS70

687. CHANGES TO REGULATIONS GOVERNING THE OBSERVER COMMUNICATIONS SYSTEM**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 revise minimum operating system 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 communicate this data by satellite link to observer program staff. This action is intended to update requirements in support of the observer program.

Timetable:

Action	Date	FR Cite
NPRM	08/08/05	70 FR 45638
NPRM Comment Period End	09/07/05	
Final Action	04/20/06	71 FR 20346

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-AS93

688. AMENDMENT 79 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA ESTABLISHING A GROUND FISH RETENTION STANDARD**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq; 16 USC 3631; 16 USC 773-773k**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: The rule implementing Amendment 79 to the Bering Sea and Aleutian Islands Groundfish FMP would establish a groundfish retention standard (GRS) for non-AFA catcher/processors that are 125 ft or greater in length overall (LOA). This rule would establish a year-round GRS of 75 percent in 2006 (that is, vessels would be required to retain at least 75 percent of their groundfish catch in the initial year of the program); 80 percent in 2007; and 85 percent in 2008. This action is intended to further minimize discards in the BSAI.

Timetable:

Action	Date	FR Cite
Notice	06/02/05	70 FR 32287
NPRM	06/16/05	70 FR 35054
NPRM Comment Period End	08/01/05	
Final Action	04/06/06	71 FR 17362

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

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Fax: 907 586-7249

RIN: 0648-AT04

689. IDENTIFY AND MANAGE ALASKA FISHERY MANAGEMENT PLANS FOR EFH AND HAPC**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 679**Legal Deadline:** Final, Judicial, August 13, 2006, Court settlement deadline.

Abstract: This rulemaking would implement Amendments 65 and 78 to the FMP for Groundfish of the Bering Sea and Aleutian Islands management area; Amendments 65 and 73 to the FMP for Groundfish of the Gulf of Alaska; Amendments 12 and 16 to the FMP for BSAI King and Tanner Crabs; Amendments 7 and 8 to the FMP for the Scallop Fishery of Alaska; and Amendments 7 and 8 to the FMP for the Salmon Fisheries in the EEZ off the Coast of Alaska. This rulemaking would identify essential fish habitat (EFH).

Timetable:

Action	Date	FR Cite
Notice	02/06/06	71 FR 6031
Notice Comment Period End	04/07/06	
NPRM	03/22/06	71 FR 14470
NPRM Comment Period End	05/08/06	
Final Action	06/28/06	71 FR 36694

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-AT09

690. AMENDMENT 11 TO THE COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, September 2005.

Final, Statutory, December 2005.

Abstract: Amendment 11 would implement a comprehensive, long-term allocation framework for annual apportionment of the Pacific sardine harvest guideline. Objectives of the action would include ensuring optimal utilization of the resource and equitably allocating harvest opportunity.

Timetable:

Action	Date	FR Cite
Notice	10/28/05	70 FR 62087
NPRM	11/16/05	70 FR 69502
NPRM Comment Period End	12/16/05	
Comment Period End	12/27/05	
Final Action	06/29/06	71 FR 36999

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 W. Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

RIN: 0648-AT11

691. SPECIFICATIONS FOR THE 2006 MONKFISH 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 2006 fishing year for the Monkfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14467
NPRM Comment Period End	04/03/06	
Final Action	04/25/06	71 FR 23871

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-AT22

692. FRAMEWORK 42 TO THE NORTHEAST MULTISPECIES FISHERY AND FRAMEWORK 3 TO THE MONKFISH FISHERY**Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action makes biennial adjustments to the management measures for the Northeast multispecies fishery and provides for fishing for monkfish using Days-at-Sea.

Timetable:

Action	Date	FR Cite
NPRM	07/27/06	71 FR 42522
NPRM Comment Period End	08/25/06	
Final Action	10/23/06	71 FR 62156

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-AT24

693. FRAMEWORK 18 TO THE ATLANTIC SEA SCALLOP FISHERY**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would make biennial adjustments to the Atlantic sea scallop fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/30/06	71 FR 16091
NPRM Comment Period End	04/14/06	
Final Action	06/08/06	71 FR 33211

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

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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-AT25

694. FRAMEWORK 6 TO 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: Framework 6 would provide alternatives for use of recreational data in setting specifications and to allow regional conservation equivalency.

Timetable:

Action	Date	FR Cite
NPRM	05/15/06	71 FR 27981
NPRM Comment Period End	05/30/06	
Final Action	07/26/06	71 FR 42315

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

RIN: 0648-AT26

695. SPECIFICATIONS FOR THE 2006 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 will establish specifications for the 2006 fishing year for the summer flounder, scup, and black sea bass fisheries.

Timetable:

Action	Date	FR Cite
NPRM	11/17/05	70 FR 69722

Action	Date	FR Cite
NPRM Comment Period End	12/02/05	
Final Rule	12/29/05	70 FR 77060

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-AT27

696. SPECIFICATIONS FOR THE 2006 RECREATIONAL FISHERIES FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement the specifications for the 2006 fishing year for the summer flounder, scup, and black sea bass recreational fisheries.

Timetable:

Action	Date	FR Cite
NPRM	03/27/06	71 FR 15147
NPRM Comment Period End	04/11/06	
Final Action	05/22/06	71 FR 29254

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-AT28

697. 2006-2007 MANAGEMENT MEASURES FOR COMMERCIAL, RECREATIONAL, AND TREATY SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, May 2006, The fishery must open on May 1.

Abstract: This action establishes annual management measures for the 2006-2007 fishing year for commercial, recreational and treaty salmon fisheries off the coast of Washington, Oregon and California. In particular, this action specifies allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selective fisheries, and in-season notice procedures.

Timetable:

Action	Date	FR Cite
Final Action	05/06/06	71 FR 26254

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-AT34

698. INDIVIDUAL FISHING QUOTA (IFQ) COST RECOVERY PROGRAM AMENDMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: The action would amend regulations for the Individual Fishing Quota (IFQ) Cost Recovery Program under the Halibut and Sablefish IFQ Program and the Crab Rationalization Program. The action would provide a revised structure for determining the

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fee percentage applicable to a given fishery. The revised structure would remove any discretionary authority for determining fees from the Regional Administrator, making fee administration purely ministerial.

Timetable:

Action	Date	FR Cite
NPRM	05/08/06	71 FR 26728
NPRM Comment Period End	06/07/06	
Final Action	08/04/06	71 FR 44231

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-AT43

699. FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC; REEF FISH FISHERY OF THE GULF OF MEXICO; GULF GROUPER RECREATIONAL MANAGEMENT MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: These rules implement management measures for the recreational grouper fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico, as requested by the Gulf of Mexico Fishery Management Council (Council), to reduce overfishing of red grouper. This rule establishes a seasonal closure of the recreational fishery for all Gulf grouper species and reduces both the recreational bag limit for red grouper and the aggregate grouper bag limit. The intended effects are to reduce overfishing of red grouper in the Gulf of Mexico and to minimize potential adverse impacts on other grouper stocks that could result from a shift in fishing effort from red grouper to other grouper species.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/25/05	70 FR 42510
Interim Final Rule	01/19/06	71 FR 3018

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AT45

700. SPECIFICATIONS FOR THE 2006/2007 FISHING YEAR FOR THE SPINY DOGFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish specifications for the spiny dogfish fishery for the 2006/2007 fishing year.

Timetable:

Action	Date	FR Cite
NPRM	05/08/06	71 FR 26726
NPRM Comment Period End	05/23/06	
Final Action	07/17/06	71 FR 40436

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-AT59

701. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2006 BLUEFIN TUNA QUOTA SPECIFICATIONS AND EFFORT CONTROLS

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: NMFS proposes specifications for the Atlantic bluefin tuna (BFT) fishery to set BFT quotas General category effort controls, and

seasonal management measures for the 2006 fishing year (June 1, 2006—May 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.

Timetable:

Action	Date	FR Cite
NPRM	02/24/06	71 FR 9507
NPRM Comment Period End	04/11/06	
Final Action	05/30/06	71 FR 30619

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-AT72

702. 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 would adjust the 2005 North and South Atlantic swordfish quotas to account for the underharvest from the 2004 fishing year. Based on the most recent landings data, 3,955.7 mt dw and 334.3 mt dw of the 2004 North and South Atlantic swordfish quotas remain unharvested, respectively. The underharvests would be added to the 2005 North and South Atlantic swordfish quotas. This action is necessary to ensure that current quotas are based on the most recent landings information and account for any underharvests from the 2004

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fishing year, consistent with the regulations at 50 CFR part 635.

Timetable:

Action	Date	FR Cite
NPRM	02/13/06	71 FR 7499
NPRM Comment Period End	03/30/06	
Final Action	05/22/06	71 FR 29087

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-AT73

703. AMENDMENT 13C TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: This amendment would: (1) Establish management measures to end overfishing of vermillion snapper, black sea bass, snowy grouper, and golden tilefish, and (2) establish management measures to allow increased harvest of red porgy.

Timetable:

Action	Date	FR Cite
Notice	05/18/06	71 FR 28841
NPRM	06/09/06	71 FR 33423
Comment Period End	07/17/06	
NPRM Comment Period End	07/24/06	
Final Action	09/21/06	71 FR 55096

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-AT75

704. IMPLEMENT SPECIFICATION MANAGEMENT MEASURES FOR THE 2006 PACIFIC SARDINE FISHERY COASTAL PELAGIC SPECIES FMP

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/17/06	71 FR 2510
NPRM Comment Period End	02/01/06	
Final Action	07/05/06	71 FR 38112

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-AT76

705. REVISION OF CRITICAL HABITAT FOR THE NORTHERN RIGHT WHALE (EUBALAENA GLACIALIS)

Priority: Other Significant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: None

Abstract: This rule would revise the current designation of critical habitat for the Northern right whale (*Eubalaena glacialis*), listed under the Endangered Species Act of 1973, as amended (ESA). The National Marine Fisheries Service (NMFS) is currently analyzing the physical and biological features

essential to the conservation of the Northern right whale, and outlined steps it will take to propose any revisions to designated critical habitat that might be supported by new information and analysis. In October 2000, NMFS was petitioned by the Center for Biological Diversity to designate critical habitat for right whales in the North Pacific. In February 2002, NMFS announced its decision that critical habitat could not be designated at that time because the essential biological requirements of the population were not sufficiently understood. However, in June 2005, a Federal judge found this reasoning invalid and ordered the Agency to publish a proposed rule designating critical habitat for the Northern right whale in the North Pacific Ocean by 28th of October 2005. In compliance with that order, NMFS is proposing to revise the current critical habitat for this species by designating areas within the Gulf of Alaska and Bering Sea as critical habitat under the Endangered Species Act.

Timetable:

Action	Date	FR Cite
NPRM	11/02/05	70 FR 66332
NPRM Comment Period End	12/19/05	
Final Action	07/06/06	71 FR 38277

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-AT84

706. AMENDMENT 19 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 19 to the Pacific Coast Groundfish Fishery Management Plan (FMP) would implement a comprehensive strategy to conserve

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essential fish habitat (EFH) through a fishery management plan amendment and Federal regulations. Amendment 19 is intended to (1) describe and identify essential fish habitat (EFH) for the fishery, (2) designate Habitat Areas of Particular Concern, (3) minimize to the extent practicable the adverse effects of fishing on EFH, and (4) identify other actions to encourage the conservation and enhancement of EFH, while ensuring compliance with section 303(a)(7) of the Magnuson-Stevens Fishery Conservation and Management Act. Of these actions, only measures to minimize adverse effects of fishing would require regulation. Amendment 19 is also intended to partially respond to a court order in *American Oceans Campaign et al. v. Daley et al.*, Civil Action No. 99-982 (GK)(D.D.C. September 14, 2000).

Timetable:

Action	Date	FR Cite
Comment Period End	02/06/05	
Notice	12/07/05	70 FR 72777
NPRM	01/12/06	71 FR 1998
Correction	01/30/06	71 FR 4886
NPRM Comment Period End	02/27/06	
Final Action	05/11/06	71 FR 27408

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-AT98

707. AMENDMENT 20 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA AND ALEUTIAN ISLANDS CRABS**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: It has been determined that the Bering Sea District Tanner crab (*Chionoecetes bairdi*) are in two geographically separate stocks, which should be managed as two separate

fisheries. This rule would determine the allocations of quota share, processor quota share, individual fishing quotas, and individual processing quotas under the Crab Rationalization Program for these two fisheries.

Timetable:

Action	Date	FR Cite
Notice	02/27/06	71 FR 9770
Notice Comment Period End	04/28/06	
NPRM	03/21/06	71 FR 14153
NPRM Comment Period End	05/05/06	
Final Action	06/07/06	71 FR 32862

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-AU06

708. 2006 SECRETARIAL ACTION FOR NORTHEAST MULTISPECIES**Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: The New England Fishery Management Council (Council) is currently developing Framework 42 (FW 42) to the Northeast Multispecies FMP, to implement measures that would reduce the fishing mortality rate of several groundfish stocks to maintain the Amendment 13 rebuilding program for several stocks. This action is very complex and controversial in its development, as it has numerous and far-reaching measures. Council completion of FW 42 has been delayed beyond its scheduled May 1, 2006 implementation deadline. As a result, NOAA Fisheries Service is considering Secretarial action to implement the most critical measures to reduce fishing mortality on key stocks by the beginning of the 2006 fishing year on May 1, 2006. Failure to do so would jeopardize the rebuilding programs for several stocks and allow certain programs (e.g. DAS Leasing Program) to

expire. The major measures being considered for Secretarial action include charging days fished at a higher rate (differential DAS), trip limits, and commensurate recreational measures.

Timetable:

Action	Date	FR Cite
NPRM	03/03/06	71 FR 11060
NPRM Comment Period End	03/06/06	
Correction	03/13/06	71 FR 12669
Correction Comment Period End	03/09/06	
Final Action	04/13/06	71 FR 19348

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-AU09

709. SEA TURTLE CONSERVATION: ADDITIONAL EXCEPTION TO SEA TURTLE TAKE PROHIBITIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 222 ; 50 CFR 223**Legal Deadline:** None

Abstract: NMFS proposes to open an area currently closed to offshore pound nets and require these nets within this area to use a modified leader. This area includes the Virginia waters of the mainstem Chesapeake Bay, to the Chesapeake Bay Bridge Tunnel at the mouth of the Chesapeake Bay, and the portion of the James River downstream of the Hampton Roads Bridge Tunnel and the York River downstream of the Coleman Memorial Bridge. Within this area, pound net leaders would be comprised of mesh and vertical lines. The leader mesh would be restricted to a height of one third the depth of the water at the average mean low tide. The allowable leader mesh size would be restricted to less than 8 inches stretched mesh. The panel of the mesh would be held in place with vertical lines greater than or equal to 5/16" in diameter strung vertically a minimum of every two feet and attached to a top

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line. The vertical lines would be "hard lay" lines which are purposefully stiff. Additionally, the proposed rule includes maintaining a restriction on mesh size and prohibition of stringers on all nearshore leaders in the area described above and all offshore leaders in the Virginia waters of the Chesapeake Bay outside the aforementioned closed area, extending to the Maryland-Virginia State line and the Rappahannock River downstream of the first bridge. These measures would be in effect from May 6 to July 15 each year. The purpose of this action is to respond to new information generated by research on modified pound net gear while continuing to protect threatened and endangered sea turtles.

Timetable:

Action	Date	FR Cite
NPRM	04/17/06	71 FR 19675
NPRM Comment Period End	05/02/06	
Final Action	06/23/06	71 FR 36024

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

Agency Contact: Therese Conant, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910
Phone: 301 713-1431
Fax: 301 713-0376

RIN: 0648-AU10**710. SPECIFICATION OF TOTAL ALLOWABLE CATCHES (TACS) FOR THE NORTHEAST MULTISPECIES FISHERY FOR FISHING YEAR 2006****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648

Legal Deadline: Final, Statutory, May 1, 2006, TACs specified for each fishing year; fishing year begins May 1, 2006.

Abstract: This action would implement three types of total allowable catches (TACs) for the Northeast Multispecies Fishery for the 2006 fishing year: (1) Hard TACs for three Georges Bank stocks, which are shared with Canada, and managed in coordination with Canada cod, haddock, and yellowtail flounder; (2) Target TACs for 18 stocks of groundfish; and (3) Incidental Catch

TACs for 10 groundfish stocks of concern.

Timetable:

Action	Date	FR Cite
NPRM	03/13/06	71 FR 12665
NPRM Comment Period End	04/12/06	
Final Action	04/28/06	71 FR 25095

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-AU13**711. A REGULATORY AMENDMENT TO PERMIT THE SEASONAL CLOSURE OF CHINIAC GULLY IN THE GULF OF ALASKA TO TRAWL FISHING****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: The amendment would impose a seasonal ban on all commercial trawl fishing in the Chiniac Gully region on the east side of Kodiak Island. The closure would be in effect from August 1 to a date no later than September 20 in 3 of the 5 years from 2006 through 2010. The regulatory changes are needed to permit the National Marine Fisheries Service to conduct controlled experiments on the effects of fishing on pollock distribution and abundance as part of a comprehensive research program on sea lion/fishery interactions.

Timetable:

Action	Date	FR Cite
NPRM	03/27/06	71 FR 15152
NPRM Comment Period End	04/26/06	
Final Action	06/01/06	71 FR 31105

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-AU15**712. BSAI PACIFIC COD LICENSE ENDORSEMENT REQUIREMENTS FOR THE TRAWL CATCHER VESSEL SECTORS; NOTICE OF CONTROL DATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: This action would set a control date to limit access to the Pacific cod resource if a management regime is developed and implemented that limits the number of participants, licenses, or vessels in the fishery. To reduce uncertainty and provide stability for these participants, allocations would be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic and community factors. As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path toward comprehensive rationalization.

Timetable:

Action	Date	FR Cite
Final Action	02/16/06	71 FR 8268

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-AU16

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713. REORGANIZE WESTERN AND CENTRAL PACIFIC REGULATIONS INTO NEW CFR PART**Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

Abstract: This action would move regulations governing the Central and Western Pacific, currently in 50 CFR 660, into a new part located at 50 CFR 665, leaving current 50 CFR 660 to comprise West Coast fisheries. This action would make the regulations more concise, better organized, and easier to use for managers, the regulated community, and the general public.

Timetable:

Action	Date	FR Cite
Final Action	04/10/06	71 FR 17985

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-AU21

714. REGULATORY AMENDMENT MODIFYING SECTION 680.22 SIDEBOARD PROTECTIONS FOR THE GULF OF ALASKA (GOA) GROUND FISH FISHERIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: This regulatory amendment modifies the crab sideboards provisions of section 680.22 to conform with the statutory requirements of the crab rationalization program.

Timetable:

Action	Date	FR Cite
NPRM	04/24/06	71 FR 20966
NPRM Comment Period End	05/09/06	
Final Action	07/06/06	71 FR 38298

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-AS47

RIN: 0648-AU24

715. AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH**Timetable:**

Action	Date	FR Cite
Duplicate of 0648-AT58	07/12/06	

RIN: 0648-AU31

716. FRAMEWORK 43 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This framework action would implement a haddock bycatch provision in the Atlantic herring fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/21/06	71 FR 35600
NPRM Comment Period End	07/06/06	
Final Action	08/15/06	71 FR 46871

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-AU33

717. AMENDMENT 14 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN**Timetable:**

Action	Date	FR Cite
Duplicate of 0648-AS22	07/12/06	

RIN: 0648-AU35

718. AMENDMENT 21 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA AND ALEUTIAN ISLANDS CRABS**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 680**Legal Deadline:** None

Abstract: Amendment 21 to the king and Tanner crab Fishery Management Plan in the Bering Sea and Aleutian Islands (FMP) would make minor changes to the FMP necessary for the management of the arbitration system under the crab rationalization program. If approved, Amendment 21 to the FMP would modify the timing for initiating an arbitration proceeding to the issuance of individual fishing quota (IFQ) and individual processor quota (IPQ), providing participants with a reasonable and reliable opportunity to fully utilize the arbitration system.

Timetable:

Action	Date	FR Cite
NPRM	04/20/06	71 FR 20378
Notice	05/30/06	71 FR 16278
NPRM Comment Period End	06/05/06	
Final Action	07/14/06	71 FR 40030

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-AU37

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719. IMPLEMENT THE 2006 ACCEPTABLE BIOLOGICAL CATCH AND OPTIMUM YIELD FOR PACIFIC WHITING**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This rule will implement the 2006 ABC and OY for Pacific whiting.**Timetable:**

Action	Date	FR Cite
Final Action	05/22/06	71 FR 29257

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Tribal**Agency Contact:** Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 W. Ocean Boulevard, Long Beach, CA 90802

Phone: 562 980-4040

RIN: 0648-AU39**720. • CONTROL DATE FOR NORTHEAST MULTISPECIES CHARTER/PARTY BOAT FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** The National Marine Fisheries Service establishes a "control date" to establish eligibility criteria for determining levels of future access to the Northeast (NE) multispecies charter/party fishery subject to Federal authority. This "control date" determines future access to the open access charter and party recreational (charter/party) Northeast multispecies fishery if a management regime is developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to limit the number of participants in this sector of the NE multispecies fishery. The rulemaking is intended, in part, to promote awareness of potential eligibility criteria for future access so as to discourage speculative entry into the fishery while the New England Fishery Management Council considers

whether and how access to the NE multispecies charter/party fishery should be controlled.

Timetable:

Action	Date	FR Cite
Final Action	03/30/06	71 FR 16111

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-AU40**721. • FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; REMOVAL OF DELAYED EFFECTIVENESS CLOSURE FOR SHALLOW-SET LONGLINE FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This action would remove the seven-day delayed effectiveness of a closure of the shallow-set component of the longline fishery due to 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
Final Action	03/22/06	71 FR 14416

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** 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-AU41**722. • ESTABLISH VOLUNTARY FISHING CAPACITY REDUCTION PROGRAM IN THE LONGLINE CATCHER PROCESSOR SUBSECTOR OF THE BSAI NON-POLLOCK GROUND FISH FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1861 a(b)**CFR Citation:** 50 CFR 600.1105**Legal Deadline:** None**Abstract:** This action removes the delay in effectiveness for closing the Hawaii-based shallow-set longline fishery as a result of interaction limits for sea turtles. The intended effect of this action is to afford enhanced protection for sea turtles via timely closure of the fishery.**Timetable:**

Action	Date	FR Cite
NPRM	08/11/06	71 FR 46364
NPRM Comment Period End	09/11/06	
Final Action	09/29/06	71 FR 57696

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2396

Email: charles.cooper@noaa.gov

RIN: 0648-AU42**723. • REVISION OF CRAB ECONOMIC DATA REPORTS (EDRS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None**Abstract:** This action would amend the submittal date of crab Economic Data Report (EDR) requirements from May 1st to June 8th of each year. This action is necessary to correct existing reporting requirements previously provided under another rulemaking that affects collecting information on Bering Sea and Aleutian Islands Management Area (BSAI) crab operations, including Western Alaska Community Development Quota Program crab fisheries. These fisheries

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are referred to as crab rationalization fisheries (CR fisheries). An EDR collects information from any owner or leaseholder of a vessel or a processing plant that harvested or processed crab from the CR fisheries by May 1st, 2006.

Timetable:

Action	Date	FR Cite
NPRM	05/02/06	71 FR 25808
NPRM Comment Period End	05/17/06	
Final Action	07/05/06	71 FR 38112

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-AS47

RIN: 0648-AU44

724. • ALLOCATION OF TRIPS INTO THE CLOSED AREA II YELLOWTAIL FLOUNDER SPECIAL ACCESS PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: The action would announce that zero trips would be allocated to the CA II Yellowtail Flounder SAP for the 2006 fishing year. Based on the proposed U.S./Canada Georges Bank (GB) yellowtail flounder total allowable catch (TAC) (71 FR 12665; March 13, 2006), which was recommended by the Transboundary Management Guidance Committee and the New England Fishery Management Council (Council), for the 2006 fishing year (2,070 mt), and using the approved formula to determine the appropriate number of trips for fishing year 2006, there would be insufficient GB yellowtail flounder TAC to support the CA II Yellowtail Flounder SAP for the 2006 fishing year.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/22/06	71 FR 29256
Final Action Effective	07/01/06	

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-AU45

725. • REINSTATE THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN'S (SCALLOP FMP) OBSERVER SET-ASIDE PROGRAM AND IMPLEMENT AN OBSERVER PROVIDER CERTIFICATION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: The rule would reinstate the observer set-aside program implemented under the Scallop FMP by establishing observer provider certification criteria, decertification criteria, and observer deployment logistics. The rule will reiterate that scallop vessel owners are required to pay for observers. The set-aside will provide scallop vessel owners with compensation for observer coverage up to a specified limit, as currently specified in the regulations for the scallop fishery. Once the set-aside is exhausted, vessel owners would no longer be compensated for coverage but would still have to pay for the cost of observers.

Timetable:

Action	Date	FR Cite
Final Rule	06/16/06	71 FR 34842
Comment Period End	07/17/06	

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

RIN: 0648-AU47

726. • AMENDMENT 14; SMALL-MESH MULTISPECIES LIMITED ACCESS PROGRAM AND CONTROL DATE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action announces that the National Marine Fisheries Service is considering, and is seeking public comment on, anticipated proposed rulemaking to limit future access to the Northeast small-mesh multispecies (whiting) fishery if a management regime is developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). A control date for this fishery was established on March 25, 2003, to promote awareness of potential eligibility criteria for future access and to discourage speculative entry into the fishery while the New England Fishery Management Council (Council) considers whether and how access to the Northeast small-mesh multispecies fishery should be controlled. This action reaffirms the March 25, 2003, control date; notifies the public that the Council is now considering a limited access program for the Northeast small-mesh multispecies fishery through Amendment 14 to the Northeast Multispecies Fishery Management Plan. The development of the amendment, including identification limited entry criteria and alternatives, is expected to begin in May 2006, with a series of public scoping meetings held by the Council. The intent of this action is to further discourage speculative entry or investment in this fishery while the Council completes development of its proposed limited access program.

Timetable:

Action	Date	FR Cite
Final Action	06/12/06	71 FR 33721

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-AQ48

RIN: 0648-AU49

DOC—NOAA

Completed Actions

727. • IMPLEMENT A GREAT SOUTH CHANNEL SCALLOP DREDGE EXEMPTION FOR GENERAL CATEGORY SCALLOP VESSELS**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: The rule responds to a request from the fishing industry to create a new exemption area for General Category scallop dredge vessels in the Great South Channel southeast of Cape Cod, Massachusetts. The Regional Administrator, Northeast Region, has the authority to grant such exemption requests if the available data show that the bycatch rate of regulated species is, or can be reduced to, less than 5-percent of the total catch in the area proposed to be exempt, and that the exemption will not jeopardize any of the mortality objectives of the Northeast Multispecies Fishery Management Plan (see 50 CFR 648.80). Analysis of the relevant data show that a scallop dredge exemption area in a discrete portion of the Great South Channel meets the requirements of the regulations. Therefore, this proposed rule intends to implement a Great South Channel Scallop Dredge Exemption Area.

Timetable:

Action	Date	FR Cite
NPRM	07/06/06	71 38352
NPRM Comment Period End	07/21/06	
Final Action	08/31/06	71 FR 51779

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-AU50**728. • NOTICE OF REAFFIRMATION OF A CONTROL DATE FOR THE HAGFISH FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: A control date for the hagfish fishery was established on August 28, 2002, to promote awareness of potential eligibility criteria for future access to this fishery, and also to discourage speculative entry into the fishery while the New England Fishery Management Council (Council) and National Marine Fisheries Service considered whether and what methods to use to control access to the hagfish fishery. This action reaffirms the August 28, 2002, control date. The intent of this action is to further discourage speculative entry or investment in this fishery while the Council prepares to develop a management plan for Atlantic hagfish.

Timetable:

Action	Date	FR Cite
Final Action	07/28/06	71 FR 42794

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-AQ12**RIN:** 0648-AU55**729. NORTH ATLANTIC WHALE PROTECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq; 16 USC 1531 et seq**CFR Citation:** 50 CFR 216; 50 CFR 222**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	01/04/00	65 FR 270
ANPRM Comment Period End	03/06/00	
Withdrawn	07/24/06	

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-AM85**730. REGULATIONS IMPLEMENTING THE BOTTLENOSE DOLPHIN TAKE REDUCTION PLAN****Priority:** Other Significant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229**Legal Deadline:** NPRM, Statutory, September 2003.

Final, Statutory, January 2004.

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

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

Timetable:

Action	Date	FR Cite
NPRM	11/10/04	69 FR 65127
NPRM Comment Period End	02/08/05	
Final Action	04/26/06	71 FR 24776

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses

DOC—NOAA

Completed Actions

Government Levels Affected: Federal, 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-AR39

731. SEA TURTLE REQUIREMENTS FOR COMMERCIAL SCALLOP FISHING

Priority: Other Significant

Legal Authority: 16 USC 1531 to 1543; 16 USC 1361

CFR Citation: 50 CFR 223

Legal Deadline: None

Abstract: The National Marine Service is preparing a rule to require sea turtle conservation measures for all scallop vessels fishing in the mid-Atlantic from May 1 through November 30 each year. Implemented under the Endangered Species Act, the purpose of this rulemaking is to minimize the take of sea turtles in scallop gear. This rule would require all scallop vessels, regardless of size or permit category, to modify their dredge(s) when fishing south of 41°9.0' N. latitude, from the shoreline to the Exclusive Economic Zone. All dredges used for fishing must be modified with evenly spaced "tickler" chains and "vertical" (up-and-down) chains with the configuration dependent on the size of the dredge frame width.

Timetable:

Action	Date	FR Cite
NPRM	05/27/05	70 FR 30660
Hearing	06/08/05	70 FR 33440
NPRM Comment Period End	06/27/05	
Final Action	08/25/06	71 FR 50361

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-AS92

732. TAKING AND IMPORTING OF MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO COASTAL COMMERCIAL FIREWORKS DISPLAYS AT MONTEREY BAY NATIONAL MARINE SANCTUARY, CA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.01

Legal Deadline: None

Abstract: The National Marine Fisheries Service (NMFS) has received a request from the Monterey Bay National Marine Sanctuary for an authorization under the MMPA to take marine mammals, by harassment, incidental to permitting professional fireworks displays within Sanctuary waters. As a result of this request, NMFS will propose regulations, that if implemented, would govern the incidental taking of marine mammals by Eglin Air Force Base 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	05/01/06	71 FR 25544
NPRM Comment Period End	05/31/06	
Final Action	07/19/06	71 FR 40928

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 W. Ocean Boulevard, No. 4200, Long Beach, CA 90802
Phone: 502 980-4015
Fax: 502 980-4027

RIN: 0648-AT46

733. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS, ATLANTIC LARGE WHALE TAKE REDUCTION PLAN (ALWTRP) AND ENDANGERED SPECIES CONSERVATION; RESTRICTIONS TO FISHING ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq; 16 USC 1351 et seq

CFR Citation: 50 CFR 229

Legal Deadline: None

Abstract: With this action, NMFS issues a temporary rule to restrict gillnet fishing activity in the Southeast U.S. Restricted Area through March 31, 2006 under the authority of the Marine Mammal Protection Act (MMPA). NMFS is taking this action because the Agency has determined that a right whale mortality, documented on January 22, 2006, was the result of an entanglement by gillnet gear within the Southeast U.S. Restricted Area. This action is necessary to protect North Atlantic right whales from further serious injury or mortality due to entanglement in gillnet gear in the Southeast U.S. Restricted Area.

Timetable:

Action	Date	FR Cite
Final Rule	02/16/06	71 FR 8223

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kristy Long, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Rm 13738, Silver Spring, MD 20910

Phone: 301 713-2322

Fax: 301-427-2522

Email: kristy.long@noaa.gov

RIN: 0648-AU23

734. NORTHWESTERN HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY; DESIGNATION AND IMPLEMENTATION OF REGULATIONS

Priority: Other Significant

Legal Authority: PL 106-513; 16 USC 1431 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The National Marine Sanctuaries Program, together with

DOC—NOAA

Completed Actions

State and Federal partners and other stakeholders, designates the Northwestern Hawaiian Islands as a national marine sanctuary and implements regulations that best reflect the goals and objectives of the proposed sanctuary.

Timetable:

Action	Date	FR Cite
Withdrawn	08/29/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

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

Agency Contact: T. Aulani Wilhelm, Acting Superintendent, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 6700 Kalaniana' Ole Highway 1300, Honolulu, HI 96825
Phone: 808 397-2657
Email: aulani.wilhelm@noaa.gov

RIN: 0648-AS83

735. LICENSING OF PRIVATE LAND REMOTE-SENSING SPACE SYSTEMS

Priority: Other Significant

Legal Authority: 15 USC 5621

CFR Citation: 15 CFR 960

Legal Deadline: None

Abstract: The National Oceanic and Atmospheric Administration (NOAA) amends its regulations governing the licensing of private Earth remote-sensing space systems under title II of the Land Remote-Sensing Policy Act of 1992 (the Act). The amendments

update the regulations to reflect: (1) New U.S. policy on commercial remote-sensing issued in April 2003, (2) experience gained since August 2000 with respect to the licensing of commercial remote-sensing space systems, and (3) improvements that take into account public comments received on the regulations. This rule will allow NOAA to more effectively license Earth remote-sensing space systems and help to ensure their compliance with the requirements of the Act.

Timetable:

Action	Date	FR Cite
NPRM	05/20/05	70 FR 29380
NPRM Comment Period End	06/20/05	
Final Rule	04/26/06	71 FR 24474

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Glenn E. Tallia, Senior Counselor for Atmospheric and Space Services and Research, NOAA, GC, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 15861, Silver Spring, MD 20910
Phone: 301 713-9681
Fax: 301 713-1494
Email: glenn.e.tallia@noaa.gov

RIN: 0648-AT00

736. • NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT JOINT CODIFYING REGULATIONS

Priority: Other Significant

Legal Authority: 16 USC 431 et seq; 16 USC 1801 et seq.; 16 USC 460k et

seq.; 16 USC 742f; 16 USC 742l; 16 USC 668dd-668ee; ...

CFR Citation: 50 CFR 404

Legal Deadline: None

Abstract: The National Oceanic and Atmospheric Administration of the Department of Commerce and the United States Fish and Wildlife Service of the Department of the Interior issue joint regulations to codify the prohibitions and management measures set forth in Presidential Proclamation 8031 (June 15, 2006) establishing the Northwestern Hawaiian Islands Marine National Monument.

Timetable:

Action	Date	FR Cite
Final Rule	08/29/06	71 FR 51134

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, Local, State

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

Agency Contact: T. Aulani Wilhelm, Acting Superintendent, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 6700 Kalaniana' Ole Highway 1300, Honolulu, HI 96825
Phone: 808 397-2657
Email: aulani.wilhelm@noaa.gov

RIN: 0648-AU82

Department of Commerce (DOC)

Final Rule Stage

National Telecommunications and Information Administration (NTIA)

737. • IMPLEMENT AND ADMINISTER A COUPON PROGRAM FOR DIGITAL-TO-ANALOG CONVERTER BOXES

Regulatory Plan: This entry is Seq. No. 24 in part II of this issue of the **Federal Register**.

RIN: 0660-AA16

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

Prerule Stage

738. 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.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	12/00/06	
Notice of Inquiry	01/00/07	
Comment Period		
End		

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
 Email: lee.kyu@uspto.gov

RIN: 0651-AC04
Department of Commerce (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

739. 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	02/12/04	
Period End		
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	02/00/07	
NPRM	04/00/07	

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
740. 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, 2.; 37 CFR 2.65, 2.67, 2.74, 2.76, 2.77, 2.85; 37 CFR 2.86, 2.87, 2.88, 2.89, 2.99, 2.145; 37 CFR 2.146, 2.153, 2.161, 2.171, 2.172; 37 CFR 2.173, 2.175, 2.184, 2.198, 3.31; 37 CFR 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	09/00/07	
Period End		
Final Action	To Be Determined	

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
741. 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

DOC—PTO

Proposed Rule Stage

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
NPRM	07/00/07	
NPRM Comment Period End	09/00/07	
Final Action	To Be	Determined

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**742. 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	12/00/06	

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-AC00**743. 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 the proposed 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	03/00/07	
NPRM Comment Period End	05/00/07	
Final Action	To Be	Determined

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**744. • REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2008****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 35 UC 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: C/OF Tamara McClure, Department of Commerce, Patent and Trademark Office, 2051 Jamieson Ave., Suite 300, Alexandria, VA 22314

Phone: 571 272-6345

Fax: 571 273-6345

Email: tamara.mcclure@uspto.gov

RIN: 0651-AC07

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

Final Rule Stage

745. 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	

Action	Date	FR Cite
NPRM Comment Period Reopened	03/27/06	71 FR 15097
NPRM Reopened Comment Period End	05/04/06	
Final Action	12/00/06	
Final Action Effective	02/00/07	

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

746. REVISION OF EX PARTE AND INTER PARTES REEXAMINATION PRACTICE

Priority: Substantive, Nonsignificant

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

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The 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.

Timetable:

Action	Date	FR Cite
NPRM	03/30/06	71 FR 16072
NPRM Comment Period End	05/30/06	
Final Action	12/00/06	
Final Action Effective	01/00/07	

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

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

Long-Term Actions

747. CHANGES TO IMPLEMENT PRIORITY APPLICATION EXCHANGE BETWEEN INTELLECTUAL PROPERTY OFFICES

Priority: Substantive, Nonsignificant

CFR Citation: 37 CFR 1

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: Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

RIN: 0651-AB75

748. REVISION OF PATENT FEES FOR FISCAL YEAR 2007

Priority: Substantive, Nonsignificant

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

Timetable:

Action	Date	FR Cite
NPRM	06/05/06	71 FR 32285
NPRM Comment Period End	07/05/06	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tamara McClure
 Phone: 571 272-6345
 Fax: 571 273-6345

DOC—PTO

Long-Term Actions

Email: tamara.mcclure@uspto.gov

RIN: 0651-AB81

749. 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	
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-AB91

750. REVISIONS TO FACILITATE WEB-BASED PATENT CORRESPONDENCE AND AMENDMENT REQUIREMENTS FOR REISSUE APPLICATIONS AND REEXAMINATION PROCEEDINGS

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-AB92

751. CHANGES TO PRACTICE FOR CONTINUING APPLICATIONS, REQUESTS FOR CONTINUED EXAMINATION PRACTICE, AND APPLICATIONS CONTAINING PATENTABLY INDISTINCT CLAIMS

Priority: Other Significant

CFR Citation: 37 CFR Part 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

752. CHANGES TO PRACTICE FOR THE EXAMINATION OF CLAIMS IN PATENT APPLICATIONS

Priority: Other Significant

CFR Citation: 37 CFR Part 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	

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

753. CHANGES TO INFORMATION DISCLOSURE STATEMENT REQUIREMENTS AND OTHER RELATED MATTERS

Priority: Other Significant

CFR Citation: 37 CFR Part 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

754. 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

755. 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

756. 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	

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-AB98**757. REVISION TO THE TIME FOR REQUIRED FILING OF A BIOLOGICAL DEPOSIT AND TO THE DATE OF AVAILABILITY OF THE BIOLOGICAL DEPOSIT****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR Part 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**758. CHANGES TO ELIMINATE THE DISCLOSURE DOCUMENT PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17399

Action

Date	FR Cite
05/08/06	
Period End	
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-AC01**759. 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**760. • REVISIONS TO THE PROCEDURES FOR DEFERRAL OF EXAMINATION OF AN APPLICATION FOR PATENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2) and 131 et seq.**CFR Citation:** 37 CFR Part 1**Legal Deadline:** None

Abstract: The United States Patent and Trademark Office (Office) rules of practice for the examination of patent applications currently have a procedure under which an applicant may request deferral of examination of a patent application. This deferral of examination procedure, however, was used in fewer than 200 patent applications in fiscal year 2005. Therefore, the Office is proposing to revise the deferral of examination procedure for patent applications to increase the attractiveness and usage of that procedure.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

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

Agency Contact: Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

RIN: 0651-AC06**Department of Commerce (DOC)
Patent and Trademark Office (PTO)****Completed Actions****761. CHANGES TO IMPLEMENT THE REFUND PROVISIONS OF THE UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1**Legal Deadline:** None

Abstract: Among other changes to patent and trademark fees, the Consolidated Appropriations Act, 2005

(Consolidated Appropriations Act), splits the patent application filing fee into separate filing fee, search fee and examination fee, and also provides that the U.S. Patent and Trademark Office (Office) may refund part or all of the excess claim fee and the search fee in certain situations. This action amends the rules of practice to implement the provisions for refunding part or all of the excess claim fee and for refunding part or all of the search fee in certain situations. The Office has implemented the changes to the patent fees provided

in the Consolidated Appropriations Act in a separate rule making.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35571
NPRM Comment	08/22/05	
Period End		
Final Action	03/10/06	71 FR 12281
Final Action Effective	03/10/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

DOC—PTO

Completed Actions

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

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

RIN: 0651-AB79

**762. CLARIFICATION OF FILING DATE
REQUIREMENTS FOR EX PARTE AND
INTER PARTES REEXAMINATION
PROCEEDINGS**

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2) and
302 et seq.

CFR Citation: 37 CFR Part 1

Legal Deadline: None

Abstract: The U.S. Patent and
Trademark Office (Office) is revising
the rules of practice relating to the
filing date requirements for ex parte
and inter partes reexamination
proceedings for consistency with the
provisions of the patent statute
governing ex parte and inter partes
reexamination proceedings. The Office
is specifically revising the rules to
require that a request for ex parte
reexamination or for inter partes
reexamination meets the applicable
statutory requirements before a filing
date is accorded to the request for ex
parte reexamination or for inter partes
reexamination.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/23/06	71 FR 9260
Interim Final Rule Effective	03/27/06	

Action	Date	FR Cite
Interim Final Rule Comment Period End	04/24/06	
Final Action	08/04/06	71 FR 44219
Final Action Effective	08/04/06	

**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-AC02

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