



Federal Register

**Monday,
April 24, 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

Spring 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 fall 2005 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department’s spring 2006 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2006, through March 31, 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 January 6, 2006, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 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 spring 2006 regulatory agenda follows.

John J. Sullivan,
General Counsel.

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
303	Change in Reporting Requirements for BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate	0691-AA57
304	Benchmark Survey of Transactions Between U.S. and Foreign Persons in Selected Services and in Intangible Assets	0691-AA60

DOC**Bureau of Economic Analysis—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
305	Change in Reporting Requirements for BE-11, Annual Survey of U.S. Direct Investment Abroad	0691-AA58

Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
306	Cutoff Dates for Recognition of Boundary Changes for Census 2000 and for the Intercensal Period	0607-AA35
307	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
308	Establishment of the 2010 Census Redistricting Program	0607-AA42

Bureau of the Census—Completed Actions

Sequence Number	Title	Regulation Identifier Number
309	Annual Trade Survey	0607-AA45

Economic Development Administration—Final Rule Stage

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

General Administration—Final Rule Stage

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

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
312	Disclosure of Government Information; Addition of Designating Official	0605-AA21

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International Trade Administration—Proposed Rule Stage

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

International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
314	Commercial Availability of Fabric and Yarn	0625-AA59
315	Proposed Amendment to Regulation Concerning Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings	0625-AA66

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
316	Steel Import Monitoring and Analysis System	0625-AA64
317	Imports of Certain Worsted Wool Fabric: Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000	0625-AA67
318	Changes in the Insular Possessions Watch, Watch Movement, and Jewelry Programs	0625-AA68
319	Procedures for Conducting Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders	0625-AA69

Bureau of Industry and Security—Prerule Stage

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

Bureau of Industry and Security—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
321	Short Supply Controls: Crude Oil Exports	0694-AC25
322	Additional Protocol Regulations	0694-AD26
323	Clarification of Deemed Export Related Regulatory Requirements	0694-AD29
324	Removal of License Exception GBS and TSR Eligibility for Certain Microwave Monolithic Integrated Circuit Power Amplifiers and Related Software and Technology	0694-AD36
325	Chemical Weapons Convention Regulations: UDOC "Change in Inspection Status Form"	0694-AD53
326	Voluntary Disclosure Provisions and Administrative Case Settlement Guidance Related to Restrictive Trade Practices or Boycotts	0694-AD63
327	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

Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
328	Chemical Weapons Convention Regulations	0694-AB06
329	De Minimis Expansion of Eligibility: U.S.-Origin Software Incorporated Into Foreign-Made Commodities	0694-AC17
330	License Exception AVS: Clarifications	0694-AC33
331	Clarifications to Part 752: Special Comprehensive License Requirements	0694-AC34

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

Sequence Number	Title	Regulation Identifier Number
332	Imposition of License Requirement for Exports and Reexports of Missile Technology (MT)-Controlled Items to Canada	0694-AC48
333	Export and Reexport Controls on Iraq	0694-AC84
334	Knowledge Definition, Safe Harbor, Red Flags	0694-AC94
335	Clarification of "Space-Qualified" Parts, Components, and Technology Subject to the Export Administration Regulations	0694-AD07
336	Cuba: Clarification of Personal Baggage Rules	0694-AD23
337	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
338	Revisions and Clarification of License Exception Availability for Certain Crime Control Items and Removal of License Requirements on Other Crime Control Items	0694-AD47
339	Expansion of Requirement of People's Republic of China (PRC) End-User Certificates Under the EAR; Elimination of Submission Requirement	0694-AD52
340	Technical Amendments to the Export Administration Regulations	0694-AD54
341	Revisions and Clarifications to the Export Administration Regulations	0694-AD55
342	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
343	Implementation of the Understandings Reached at the 2004 Goteborg and 2005 Oslo Nuclear Supplier Group (NSG) Plenary Meetings	0694-AD58
344	Conforming Changes to Certain End-User/End-Use Based Controls in the EAR; Clarification of Export Clearance Requirements under the EAR	0694-AD59
345	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
346	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
347	Clarification of Licensing Requirements for Certain Photovoltaic Arrays and Related Software and Technology	0694-AD64
348	Revisions to the Export Administration Regulations Based on the 2005 Missile Technology Control Regime Plenary Agreements	0694-AD65
349	Implementation of New Formula for Calculating Computer Performance: Adjusted Peak Performance (APP) in Weighted TeraFLOPS; Bulgaria; XP and NP Controls	0694-AD66
350	Clarification to the Export Administration Regulations; General Order To Implement the Syria Accountability and Lebanese Sovereignty Act	0694-AD68
351	Revisions to License Requirements for Certain Thermal Imaging Cameras Incorporating Focal Plane Arrays	0694-AD71
352	Revisions to License Exceptions TMP and BAG: Expansion of Eligible Items	0694-AD72

Bureau of Industry and Security—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
353	Export Administration Regulations: Support Documentation Consolidation and Reorganization	0694-AC04
354	Exports and Reexports to Sudan	0694-AC05
355	Expansion of License Exception GOV; Exports and Reexports to International Organizations	0694-AC15
356	Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications Via BIS's Simplified Network Application Process (SNAP)	0694-AC20
357	Revision to the Export Administration Regulations: Replacement Licenses	0694-AC23
358	Chemical Weapons Convention: Revisions to the Export Administration Regulations	0694-AC35
359	General Order Providing for Notification To Stop Specific Export or Reexport Under Designation NLR	0694-AC47
360	Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the U.S. Munitions List	0694-AC74
361	Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices	0694-AC82
362	Export Administration Regulations: Removal of Country Groups	0694-AD09
363	Implementation of the Wassenaar Arrangement Statement of Understanding on the Control of Non-Listed Dual-Use Items	0694-AD10
364	Export Administration Regulations: Establish Special Intra-Company License (SIL)	0694-AD22
365	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

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Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identifier Number
366	License Exception APR for Reexports To, From, and Among Countries in Country Group A:1	0694-AC69
367	Revisions to License Exception TSR: Expansion to Scope of Eligible Countries	0694-AC71
368	Revisions and Clarifications to the Export Administration Regulations	0694-AD30
369	Clarification on License Exception Restrictions as Relating to Exports and Reexports of Crime Control and Detection Instrument Equipment, and Related Technology and Software	0694-AD33
370	Removal of Certain Night Vision Devices From Eligibility for License Exception APR for Reexports To, From, and Among Country Group A:1	0694-AD34
371	Revisions to the Import Certificate Requirements in the Export Administration Regulations	0694-AD50
372	Removal of Restriction on Certain Exports of Crime Control Commodities When Being Exported for Official Use of U.S. Government Agencies	0694-AD56
373	Revision of National Security Based License Requirements and Licensing Policy, Increased Availability of License Exceptions for Certain NATO Member States	0694-AD61
374	Corrections and Clarifications to the Export Administration Regulations	0694-AD67

National Institute of Standards and Technology—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
375	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—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
376	Amendment 18A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648-AN09
377	Measures To Prevent or Mitigate and Conserve, Manage, and Allow Full Utilization of Sharks	0648-AN76
378	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9	0648-AP60
379	Implementation of the Regulatory Changes Resulting From the Amendments and Extension of the South Pacific Tuna Act	0648-AP61
380	Amendment 71A to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area	0648-AP67
381	Regulatory Amendment to Section 679 Permits or Permit-Related Issues	0648-AQ07
382	Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs	0648-AQ20
383	Fisheries of the United States; National Standard 1	0648-AQ63
384	Amendment 1 to the Atlantic Herring Fishery Management Plan	0648-AQ87
385	Amendment 62 to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska and Amendment 62 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI)	0648-AR06
386	Regulatory Rulemaking To Revise Accounting for Externally Tagged Halibut and Sablefish	0648-AR09
387	Catcher Vessel Electronic Report	0648-AR30
388	Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations	0648-AR33
389	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery	0648-AR63
390	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AR72
391	Revisions to the Definitions of Exempted Fishing and Scientific Research	0648-AR78
392	Individual Fishing Quota for Guided Recreational Charter Halibut Fishery	0648-AR96
393	Community Development Quota Regulatory Amendment To Modify Several Fishery Management Elements of the CDQ Program	0648-AS13
394	Amendment 13 to Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters	0648-AS15
395	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery	0648-AS22
396	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery	0648-AS25
397	Regulatory Amendment To Establish Measures Authorizing the Optional Use of Electronic Logbook Forms in the Western Pacific Fisheries	0648-AS29
398	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes	0648-AS49
399	Revise Precious Coral Measures To Increase the Protection of Black Coral Resources in Hawaii	0648-AS64

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

Sequence Number	Title	Regulation Identifier Number
400	Generic Amendment To Provide for Regulations of Offshore Aquaculture of Selected Fish	0648-AS65
401	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
402	Amendment 25 to the Reef Fish Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648-AS68
403	Amendment 17 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic	0648-AS70
404	Establish Management Measures for the Western Pacific Squid Fishery	0648-AS71
405	Amendment to Regulations Implementing the Antarctic Marine Living Resources Convention Act of 1984	0648-AS75
406	Individual Fishing Quota Program; Restructure Date-Specific Quota Share Regulations	0648-AS77
407	Amendment 67 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AS84
408	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
409	Identify and Manage Alaska Fishery Management Plans for EFH and HAPC	0648-AT09
410	Transfer of Management Authority for the Atlantic Coast Red Drum Resource From the South	0648-AT13
411	Specifications for the 2006 Monkfish Fishery	0648-AT22
412	Framework 42 to the Northeast Multispecies Fishery	0648-AT24
413	Framework 18 to the Atlantic Sea Scallop Fishery	0648-AT25
414	Framework 6 to the Summer Flounder, Scup, and Black Sea Bass Fisheries	0648-AT26
415	Specifications for the 2006 Recreational Fisheries for Summer Flounder, Scup, and Black Sea Bass	0648-AT28
416	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission	0648-AT31
417	West Coast Highly Migratory Species, Correcting Amendment	0648-AT32
418	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures	0648-AT37
419	Individual Fishing Quota (IFQ) Cost Recovery Program Amendments	0648-AT43
420	Management Measures for Pacific Bigeye Tuna	0648-AT55
421	Omnibus Amendments to Fishery Management Plans to Address Essential Fish Habitat	0648-AT57
422	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648-AT58
423	Specifications for the 2006/2007 Fishing Year for the Spiny Dogfish Fishery	0648-AT59
424	Specifications for the 2007 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries	0648-AT60
425	Specifications for the 2007 Fishing Year for the Surfclam and Ocean Quahog Fishery	0648-AT61
426	Framework 1 to the Surfclam and Ocean Quahog Fishery Management Plan	0648-AT62
427	Specifications for the 2007 Fishing Year for the Tilefish Fishery	0648-AT63
428	Specifications for the 2007 Fishing Year for the Atlantic Mackerel, Squid, and Butterfish Fisheries	0648-AT65
429	Specifications for the 2007 Fishing Year for the Atlantic Herring Fishery	0648-AT66
430	Specifications for the 2007 Fishing Year for the Atlantic Bluefish Fishery	0648-AT67
431	Amendment 68; Central Gulf of Alaska Rockfish Pilot Program	0648-AT71
432	Atlantic Highly Migratory Species (HMS); 2006 Bluefin Tuna Quota Specifications and Effort Controls	0648-AT72
433	Amendment 13C to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic	0648-AT75
434	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
435	Interagency Electronic Reporting System (IERS)	0648-AT91
436	Western Pacific Precious Corals FMP: Amendment To Manage Hawaii Black Coral Fishery	0648-AT93
437	Western Pacific Bottomfish FMP: Amendment 9 to Limit Large Vessel Fishing Effort Around Guam	0648-AT94
438	Western Pacific Omnibus: Bottomfish Amendment 8, Amendment 12 Crustaceans, and Amendment 6 Precious Corals	0648-AT95
439	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
440	Regulatory Amendment to the Reef Fish Management Plan to Set Recreational Management Measures for Grouper Starting in 2006	0648-AU04
441	Amendment 20 to the Fishery Management Plan for the Bering Sea and Aleutian Islands Crabs	0648-AU06
442	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
443	Expansion of the Pacific Coast Groundfish Fishery Vessel Monitoring System to the Open Access Fishery	0648-AU08
444	Sea Turtle Conservation: Additional Exception to Sea Turtle Take Prohibitions	0648-AU10
445	Amendment 18 (Bycatch Minimization) to the Pacific Coast Groundfish Fishery Management Plan	0648-AU12
446	Specification of Total Allowable Catches (TACs) for the Northeast Multispecies Fishery for Fishing Year 2006	0648-AU13
447	Subsistence Halibut Program Amendments	0648-AU14
448	A Regulatory Amendment To Permit the Seasonal Closure of Chiniak Gully in the Gulf of Alaska to Trawl Fishing	0648-AU15

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

Sequence Number	Title	Regulation Identifier Number
449	BSAI Pacific Cod License Endorsement Requirements for the Trawl Catcher Vessel Sectors; Notice of Control Date	0648-AU16
450	Regulatory Amendment To Revise Certain Species Codes in Table 2a and Table 2d	0648-AU20
451	Reorganize Western and Central Pacific Regulations Into New CFR Part	0648-AU21
452	Amendment 10 to the Bottomfish and Seamount Groundfish FMP: Measures to End Bottomfish Overfishing in the Hawaiian Archipelago	0648-AU22
453	Regulatory Amendment Modifying Section 680.22 Sideboard Protections for the Gulf of Alaska (GOA) Groundfish Fisheries.	0648-AU24
454	Authorize an Exempted Fishing Permit Under the Highly Migratory Species FMP	0648-AU25
455	Amendment 12 to the Coastal Pelagic Species(CPS) Fishery Management Plan(FMP)	0648-AU26
456	Announcement of the Optimum Yield and Harvest Quotas for Pacific Mackerel	0648-AU27
457	Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ...	0648-AU28
458	Amendment 15 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region ...	0648-AU29
459	Amendment 10 to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish	0648-AU31
460	Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan	0648-AU32
461	Framework 43 to the Northeast Multispecies Fishery Management Plan	0648-AU33
462	Framework 4 to the Fishery Management Plan for Monkfish	0648-AU34
463	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan	0648-AU35
464	Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan	0648-AU36
465	Amendment 21 to the Fishery Management Plan for the Bering Sea and Aleutian Islands Crabs	0648-AU37
466	North Atlantic Whale Protection	0648-AM85
467	Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild	0648-AN43
468	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental To Conducting Oil and Gas Exploration Activities in the Gulf of Mexico	0648-AQ71
469	Right Whale Ship Strike Reduction	0648-AS36
470	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
471	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, CA	0648-AT46
472	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental To Assessing Naval Ship Survivability.	0648-AT77
473	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental To Deployment of a Naval At-Sea Gunnery Scoring System	0648-AT78
474	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
475	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
476	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Naval Training Operations at the East Coast Shallow Water Training Range	0648-AT81
477	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
478	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
479	Spinner Dolphins in the Main Hawaiian Islands	0648-AU02
480	List of Fisheries for 2006	0648-AU19
481	Designation of Critical Habitat for the Southern Resident Killer Whale (<i>Orcinus orca</i>)	0648-AU38
482	Northwest Hawaiian Islands National Marine Sanctuary; Designation and Implementation of Regulations	0648-AS83
483	Gulf of the Farallones National Marine Sanctuary Management Plan Review	0648-AT14
484	Monterey Bay National Marine Sanctuary Management Plan Review	0648-AT15
485	Channel Islands National Marine Sanctuary Management Plan Review	0648-AT17
486	Consideration of Marine Reserves and Marine Conservation Areas Within the Channel Islands National Marine Sanctuary	0648-AT18
487	Cordell Bank National Marine Sanctuary Management Plan Review	0648-AT16

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National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
488	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery	0648-AK26
489	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
490	Fish and Seafood Promotion Act Provisions; Seafood Marketing Councils	0648-AS09
491	Fee System for Repayment of the Loan to Harvestors of Bering Sea/Aleutian Islands King and Tanner Crabs	0648-AS46
492	Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs—Crab Rationalization Program	0648-AS47
493	West Coast Highly Migratory Species Fishery Management Plan, Correcting Amendment	0648-AS89
494	Changes to Regulations Governing the Observer Communications System	0648-AS93
495	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
496	Amendment 11 to the Coastal Pelagic Species Fishery Management Plan	0648-AT11
497	Specifications for the 2006 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries	0648-AT27
498	2006-2007 Management Measures for Commercial, Recreational, and Treaty Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648-AT34
499	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
500	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
501	2006 Scallop Research Set-Aside Request for Proposals	0648-AT68
502	Atlantic Highly Migratory Species; North and South Atlantic Swordfish Commercial Management Measures	0648-AT73
503	Implement Specification Management Measures for the 2006 Pacific Sardine Fishery Coastal Pelagic Species FMP	0648-AT76
504	Revision of Critical Habitat for the Northern Right Whale (<i>Eubalaena glacialis</i>)	0648-AT84
505	Amendment 19 to the Pacific Coast Groundfish Fishery Management Plan	0648-AT98
506	Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses	0648-AU01
507	Fisheries of the Northeastern United States; Recordkeeping and Reporting Requirements; Regulatory Amendment to Modify Seafood Dealer Reporting Requirements; Correction	0648-AU05
508	2006 Secretarial Action for Northeast Multispecies	0648-AU09
509	Final Rule to Implement the 2006 Acceptable Biological Catch and Optimum Yield for Pacific Whiting	0648-AU39
510	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
511	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives	0648-AO16
512	Regulations Implementing the Bottlenose Dolphin Take Reduction Plan	0648-AR39
513	Taking Marine Mammals Incidental to Navy Operations	0648-AR99
514	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations	0648-AS01
515	Sea Turtle Requirements for Commercial Scallop Fishing	0648-AS92
516	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
517	Gray's Reef National Marine Sanctuary	0648-AQ41
518	Certification Requirements for NOAA Electronic Navigational Chart Distribution	0648-AR87
519	Licensing of Private Land Remote-Sensing Space Systems	0648-AT00

National Oceanic and Atmospheric Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
520	Procedural Changes to the Federal Consistency Process	0648-AP98
521	Coastal Zone Management Act Federal Consistency Regulations	0648-AR16
522	Regional Marine Research Program	0648-AF20

DOC

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
523	Proposed Highly Migratory Species Process	0648-AK40
524	Amendment 12 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region	0648-AL67
525	Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region	0648-AM98
526	Revision of American Lobster Regulations for the EEZ	0648-AP18
527	Regulatory Amendment To Implement Permit Stacking in the Limited-Entry Fixed-Gear Sablefish Fishery in 2005 and Beyond	0648-AP38
528	Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean	0648-AP51
529	Turtle Mitigation for Non-Hawaii-Based Pelagic Longline and Non-Longline Vessels	0648-AQ91
530	Amendment 13B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region	0648-AR38
531	Amendment 8 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region	0648-AR65
532	Regulatory Amendment To Add and Revise Certain Species Codes	0648-AR67
533	Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region	0648-AS16
534	Measures to Reduce Interactions with Seabirds in the Hawaii-Based Longline Fishery	0648-AS30
535	Amendment 6 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region ...	0648-AS31
536	Fee System for Repayment of the Loan to Harvesters of Pacific Groundfish Fishery and California, Washington, and Oregon Fisheries for Dungeness Crab and Pink Shrimp	0648-AS38
537	Civil Procedures Governing Prosecution and Administrative Proceedings	0648-AS54
538	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel	0648-AS59
539	Establish Management Measures for the Commonwealth of the Northern Mariana Islands Bottomfish Fishery Under the Western Pacific Bottomfish and Seamount Groundfish FMP	0648-AS63
540	Generic Amendment for Addressing Essential Fish Habitat Requirements, Habitat Areas of Particular Concern, and Gear Restrictions for All Fishery Management Plans of the Gulf of Mexico	0648-AS66
541	Correct and Clarify Amendment 13 and Framework 40-A to the Northeast Multispecies Fishery Management Plan	0648-AS80
542	Framework Adjustment 41 to the Northeast Multispecies Fishery Management Plan	0648-AT08
543	Regulatory Amendment to the Reef Fish Management Plan To Set Commercial and Recreational Management Measures for Grouper Starting in 2006	0648-AT12
544	Specifications for the 2006 Atlantic Mackerel, Squid, and Butterfish Fisheries	0648-AT19
545	Specifications for the 2006 Atlantic Bluefish Fishery	0648-AT20
546	Specifications for the 2006 Atlantic Herring Fishery	0648-AT21
547	Framework 1 to the Spiny Dogfish Fishery Management Plan	0648-AT29
548	Restrictions for 2005 and 2006 Purse Seine and Longline Fisheries for Tuna in the Eastern Tropical Pacific Ocean (ETP)	0648-AT33
549	Temporary Rule To Address Haddock Bycatch in the 2005 Herring Fishery	0648-AT36
550	Fisheries of the Northeastern United States; Atlantic Bluefish and Summer Flounder Fisheries; State Quota Transfers and Combinations	0648-AT50
551	Remove Regulations That Implement Seasonal Area Closures to Groundfish Fishing in Waters off Cape Sarichef and in the Chiniak Gully Research Area	0648-AT54
552	Pacific Halibut Catch Sharing Plan for 2006 and Beyond	0648-AT56
553	Establish a New Control Date for the Commercial Spanish Mackerel Fishery in the South Atlantic Exclusive Economic Zone	0648-AT64
554	Closure of the U.S. Longline Bigeye Tuna Fishery for 2005 in the Eastern Tropical Pacific Ocean	0648-AT70
555	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures	0648-AT74
556	2006 and 2007 Quota Specifications for Atlantic Surfclam and Ocean Quahog Fishery	0648-AT85
557	Framework Adjustment to the Bycatch Reduction Criteria for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AT86
558	Control Date for the South Atlantic Snapper Grouper Fishery	0648-AT88
559	Central Gulf of Alaska Rockfish Pilot Program	0648-AT90
560	Regulatory Amendment To Implement Amendment 69 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska	0648-AT92
561	Effectiveness and Enforcement of Collection of Information Requirement	0648-AT97
562	Reinstatement of Amendment 10 Essential Fish Habitat (EFH) Closed Areas Under the Atlantic Sea Scallop Fishery Management Plan (FMP)	0648-AT99
563	2005-2006 Pacific Coast Groundfish Specifications and Management Measures, Including Inseason Actions and Corrections	0648-AU00
564	Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Guam Longline Fishing Prohibited Area	0648-AU11
565	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures	0648-AU17
566	Hydropower/Mandatory Conditions Review Process (MCRP) Rule	0648-AS55

DOC

National Oceanic and Atmospheric Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
567	Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska	0648-AP62
568	List of Fisheries for 2005	0648-AS78
569	Threatened Status for Southern Resident Killer Whales	0648-AS95
570	Taking Marine Mammals Incidental To Operation of Offshore Oil Production Facilities in Beaufort Sea	0648-AS98
571	Proposed Threatened Status for Southern Distinct Population Segment of North American Green Sturgeon	0648-AT02
572	Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates	0648-AT49
573	Sea Turtle Requirements for Commercial Shrimp Fishing	0648-AT89
574	Sea Turtle Requirements for Commercial Shrimp Fishing	0648-AT96
575	Endangered and Threatened Species: Final Protective Regulations for Threatened Upper Columbia River Steelhead	0648-AU18

Patent and Trademark Office—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
576	Regulations Governing Duty of Disclosure in Patent Applications and the Doctrine of Inequitable Conduct	0651-AC04

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
577	Changes to Representation of Others Before the U.S. Patent and Trademark Office	0651-AB55
578	Revision of Patent and Trademark Fees for Fiscal Year 2007	0651-AB81
579	Amendment of Rules for Filing Intent To Use Documents in Section 1(b) Applications	0651-AB90
580	Changes to Practice for Continuing Applications, Requests for Continued Examination Practice, and Applications Containing Patentably Indistinct Claims	0651-AB93
581	Changes to Practice for the Examination of Claims in Patent Applications	0651-AB94
582	Changes to Information Disclosure Statement Requirements and Other Related Matters	0651-AB95
583	Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility	0651-AB98
584	Examination of Patent Applications That Include Claims Containing Markush or Other Alternative Language	0651-AC00
585	Changes To Eliminate the Disclosure Document Program	0651-AC01
586	Changes To Implement Preexamination Search Reports	0651-AC03
587	Changes in the Requirements for Filing Requests for Reconsideration of Final Office Actions in Trademark Cases	0651-AC05

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
588	Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board	0651-AB56
589	Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings	0651-AC02

Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
590	Changes To Implement Priority Application Exchange Between Intellectual Property Offices	0651-AB75
591	Revision of Ex Parte and Inter Partes Reexamination Practice	0651-AB77
592	Changes To Implement the Refund Provisions of the United States Patent and Trademark Fee Modernization Act of 2004	0651-AB79
593	Amendment of Trademark Rules of Practice	0651-AB89

DOC

Patent and Trademark Office—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
594	Acceptance, Processing, Use and Dissemination of Chemical and Three-Dimensional Biological Structural Data in Electronic Format	0651-AB91
595	Revisions To Facilitate Web-Based Patent Correspondence and Amendment Requirements for Reissue Applications and Reexamination Proceedings	0651-AB92
596	Pre-Brief Appeal Conference for Patent Applications Under Appeal to the Board of Patent Appeals and Interferences	0651-AB96
597	Changes to Examination Practice for Means- (or Step-) Plus-Function Claim Elements in Patent Applications	0651-AB97
598	Revision to the Time for Required Filing of a Biological Deposit and to the Date of Availability of the Biological Deposit	0651-AB99

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
599	Changes To Implement the Cooperative Research and Technology Enhancement (CREATE) Act of 2004	0651-AB76
600	Provisions for Claiming the Benefit of a Provisional Application With a Non-English Specification and Other Miscellaneous Matters	0651-AB85

Technology Administration—Completed Actions

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

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

Proposed Rule Stage

303. 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	

Action	Date	FR Cite
Final Action	06/00/06	
Final Action Effective	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0691-AA57

304. 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 801.10 to provide for the conduct of the BE-20, Benchmark Survey of Transactions Between U.S. and Foreign Persons in Selected Services and in Intangible Assets-2006. The existing rule covers a related survey for 2001, which the new survey will update.

Timetable:

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

DOC—BEA

Proposed Rule Stage

Action	Date	FR Cite
Final Action	11/00/06	
Final Action Effective	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 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)
Bureau of Economic Analysis (BEA)

Completed Actions

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

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 3101 to 3108

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action would amend 15 CFR 806.14 to change the reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment

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

Timetable:

Action	Date	FR Cite
NPRM	08/22/05	70 FR 48920
NPRM Comment Period End	10/21/05	
Final Action	11/28/05	70 FR 71238
Final Action Effective	12/28/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Obie G. Whichard, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 14th & Pennsylvania Avenue NW., Washington, DC 20230
 Phone: 202 606-9890
 Fax: 202 606-5318
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RIN: 0691-AA58

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

Final Rule Stage

306. 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

307. 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	06/00/06	

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

DOC—CENSUS

Final Rule Stage

Email: stephanie.b.dunlap@census.gov

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

RIN: 0607-AA38

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

Long-Term Actions

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

Priority: Other Significant

CFR Citation: None

Timetable:

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

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal,
State

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

RIN: 0607-AA42

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

Completed Actions

309. ANNUAL TRADE SURVEY

Priority: Substantive, Nonsignificant

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

CFR Citation: None

Legal Deadline: None

Abstract: The Census Bureau is
expanding the 2005 Annual Trade
Survey to include agents, brokers, and
electronic markets. The Census Bureau
implements this expansion at the
request of the Bureau of Economic

Analysis (BEA). The BEA considers this
information vital to its accurate
measurement of sales and value added
for wholesale trade.

Timetable:

Action	Date	FR Cite
NPRM	09/20/05	70 FR 55104
NPRM Comment Period End	10/20/05	
Notice of Determination	11/15/05	70 FR 69310

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John R Trimble,
Chief, Annual Trade and Special
Projects Branch, Service Sector
Statistics Div., Department of
Commerce, Bureau of the Census, 4700
Silver Hill Road, Room 2633-3,
Washington, DC 20233
Phone: 301 763-7223
Email: john.r.trimble@census.gov

RIN: 0607-AA45

Department of Commerce (DOC)
Economic Development Administration (EDA)

Final Rule Stage

**310. 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 PWEDA 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	07/00/06	

**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)
General Administration (ADMIN)
Final Rule Stage**311. 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 final rule amends the Department of Commerce's

(Department) Privacy Act (PA) regulations (15 CFR Part 4) by adding an additional method of authorization to determine the identification of individuals seeking access to records under the Privacy Act.

Timetable:

Action	Date	FR Cite
Final Action	04/00/06	

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 Ave, NW., Washington, DC 20230
 Phone: 202 482-3258
 Email: bdolan1@doc.gov

RIN: 0605-AA19
Department of Commerce (DOC)
General Administration (ADMIN)
Completed Actions**312. • DISCLOSURE OF GOVERNMENT INFORMATION; ADDITION OF DESIGNATING OFFICIAL****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 5 USC 553; 31 USC 3717; 44 USC 3101; Reorg. Plan No. 5 of 1950; ...**CFR Citation:** 15 CFR 4**Legal Deadline:** None**Abstract:** This final rule amends the Department of Commerce's

(Department) Freedom of Information Act (FOIA) regulations (15 CFR Part 4) by adding an official authorized to deny requests for records under the Freedom of Information Act, and requests for correction or amendment under the Privacy Act (PA), for the Technology Administration.

Timetable:

Action	Date	FR Cite
Final Action	12/21/05	70 FR 75729

Regulatory Flexibility Analysis Required: No

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

Agency Contact: Philip J Greene, Freedom of Information Officer, Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230
 Phone: 202 482-1984
 Fax: 202 482-0253
 Email: pgreene@doc.gov

RIN: 0605-AA21
Department of Commerce (DOC)
International Trade Administration (ITA)
Proposed Rule Stage**313. PROCEDURES FOR CONDUCTING FIVE-YEAR (SUNSET) REVIEWS OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 1671 et seq; 19 USC 1673 et seq; 19 USC 1303**CFR Citation:** 19 CFR 351**Legal Deadline:** None

Abstract: On May 19, 1997 (62 FR 27296), the Department of Commerce (the Department) published final rules on inter alia procedures for conducting antidumping and countervailing duty proceedings to conform the Department's existing regulations to the Uruguay Round Agreements Act (URAA). Although these regulations contain provisions on the conduct of

sunset reviews, the Department is planning to amend the regulations to provide more guidance on the procedures for conducting sunset reviews. Specifically, the Department proposes to amend the procedural regulations for participation in, and conduct of, sunset reviews to add two definitions to provide shorthand expressions for 120-day and 240-day sunset reviews; provide deadlines for certain submissions; clarify the information to be provided by parties participating in a sunset review; clarify when the Department will conduct a 120-day or a 240-day sunset review; and provide time limits for actions to be taken by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/98	63 FR 13516
Interim Final Rule Effective	03/20/98	
NPRM	05/00/06	
Final Action	05/00/07	

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 Ave., NW., Washington, DC 20230
 Phone: 202 482-4618

RIN: 0625-AA51

Department of Commerce (DOC)
International Trade Administration (ITA)
Long-Term Actions**314. 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**315. PROPOSED AMENDMENT TO REGULATION CONCERNING CERTIFICATION OF FACTUAL INFORMATION TO IMPORT ADMINISTRATION DURING ANTIDUMPING AND COUNTERVAILING DUTY PROCEEDINGS****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 351**Timetable:**

Action	Date	FR Cite
NPRM	09/22/04	69 FR 56738
Next Action Undetermined		

Regulatory Flexibility Analysis
Required: No**Government Levels Affected:** None**Agency Contact:** Robert E. Nielsen

Phone: 202 482-5340

Email: robert_nielsen@ita.doc.gov

RIN: 0625-AA66
Department of Commerce (DOC)
International Trade Administration (ITA)
Completed Actions**316. STEEL IMPORT MONITORING AND ANALYSIS SYSTEM****Priority:** Other Significant**Legal Authority:** 13 USC 301(a); 13 USC 302**CFR Citation:** 19 CFR 360**Legal Deadline:** None

Abstract: The Department of Commerce amends its regulations to enhance the Steel Import Monitoring and Analysis System (SIMA). The Department is seeking to improve the system in order to provide the public with accurate and timely information on imports of certain steel products.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/04	69 FR 52211
Interim Final Rule	03/11/05	70 FR 12133
Final Rule	12/05/05	70 FR 72373

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

Additional Information: SIMA system expanded to cover all steel mill products and extended until March 2009.

Agency Contact: Julie Al-Saadawi, Department of Commerce, International Trade Administration, 14th & Constitution Ave., NW., Room 3713, Washington, DC 20230
Phone: 202 482-1930

RIN: 0625-AA64**317. IMPORTS OF CERTAIN WORSTED WOOL FABRIC: IMPLEMENTATION OF TARIFF RATE QUOTA ESTABLISHED UNDER TITLE V OF THE TRADE AND DEVELOPMENT ACT OF 2000****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-429**CFR Citation:** 15 CFR 335; 15 CFR 340**Legal Deadline:** None

Abstract: The Department of Commerce amends its regulation to implement the amendment to the Trade Act included in the Miscellaneous Trade Act of 2004 (Public Law 108-429). Principally, this rule amends the regulations to specify which HTS categories may be allocated as TRQs and to eliminate Commerce's authority to modify these quotas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/05	70 FR 25774
Interim Final Rule	07/15/05	
Comment Period		
End		
Final Action	10/24/05	70 FR 61363

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

Agency Contact: Sergio Botero, Industry Economist, Department of Commerce, International Trade Administration, Office of Textiles and Apparel, 14th and Constitution Avenue NW., Washington, DC 20230
Phone: 202 482-4058
Fax: 202 482-0667

RIN: 0625-AA67**318. CHANGES IN THE INSULAR POSSESSIONS WATCH, WATCH MOVEMENT, AND JEWELRY PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 97-446; PL 103-465; PL 94-241; PL 106-36; PL 108-429**CFR Citation:** 15 CFR 303**Legal Deadline:** None

Abstract: The Department of Commerce is proposing to amend 19 CFR 303 in order to make technical changes required by passage of the miscellaneous Trade and Technical Corrections Act of 2004. Such changes include, for example, extending duty-refund benefits to include the value of usual and customary health and life insurance and pension benefits.

Timetable:

Action	Date	FR Cite
NPRM	07/06/05	70 FR 38828
Final Action	11/08/05	70 FR 67645

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

Agency Contact: Irene H. Chen, Attorney-Advisor, Department of Commerce, International Trade Administration, 14th Street & Pennsylvania Avenue NW., Washington, DC 20230
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Email: irene.chen@mail.doc.gov

RIN: 0625-AA68

DOC—ITA

Completed Actions

319. 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 3538**CFR Citation:** 19 CFR 351**Legal Deadline:** None**Abstract:** The Department takes this action to revise and clarify current procedures for participation in, and conduct of, sunset reviews. Section 123 of the Uruguay Round Agreements Act (URAA) governs the process for changes to the Department’s regulations where a dispute settlement panel

and/or the Appellate Body finds a regulatory provision to be inconsistent with any of the WTO agreements. Consistent with section 123(g)(1)(C), the Department is planning to publish proposed amendments to its regulations related to sunset reviews to conform the existing regulations to the U.S. obligations under Articles 6.1, 6.2, and 11.3 of the Antidumping Agreement. The regulations would amend the “waiver” provisions which govern treatment of interested parties who do not provide a complete substantive response to the Department’s notice of initiation of a sunset review and clarify the basis for parties’ participation in a public hearing in an expedited sunset review.

Timetable:

Action	Date	FR Cite
NPRM	08/15/05	70 FR 47738
NPRM Comment Period End	09/14/05	
Final Action	10/28/05	70 FR 62061

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Stacy Ettinger, Attorney, Department of Commerce, International Trade Administration, 14th & Pennsylvania Ave., NW., Washington, DC 20230
Phone: 202 482-4618**RIN:** 0625-AA69

Department of Commerce (DOC)

Prerule Stage

Bureau of Industry and Security (BIS)

320. • REVISIONS TO THE DPAS REGULATION AND ASSOCIATED NOTICES**Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC App. 2061 et seq; 42 USC 5195 et seq.; 10 USC 2538; 50 USC 82; EO 12919 ; EO 13286; EO 12742; EO 12656**CFR Citation:** 15 CFR 700**Legal Deadline:** None**Abstract:** BIS is reviewing and revising the Defense Priorities and Allocations

Systems regulation to streamline the provisions of the regulation and remove outdated or obsolete sections. To ascertain the impact of possible deletions and amendments, BIS may be issuing notices of inquiry and requests for public comment, in addition to regulations in proposed form.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/06	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Agency Contact:** Mr. Michael J. Vacarro, Senior Program Manager, Department of Commerce, Bureau of Industry and Security, 1401 Constitution Avenue, NW, Mailstop 3876, Washington, DC 20230
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Department of Commerce (DOC)

Proposed Rule Stage

Bureau of Industry and Security (BIS)

321. 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	12/00/06	

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**322. 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

DOC—BIS

Proposed Rule Stage

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

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Related RIN: Related to 0694-AD27

RIN: 0694-AD26

323. 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 notice 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 notice also clarifies the scope of the fundamental research provisions in the EAR. In addition, this notice announces the proposed establishment of a Deemed Export Advisory Committee (DEAC) to ensure an ongoing dialogue between BIS and the regulated community.

Timetable:

Action	Date	FR Cite
ANPRM	03/28/05	70 FR 15607
Comment Period Extended	05/27/05	70 FR 30655
NPRM	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AD29

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

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 7420; EO 13026; ...

CFR Citation: 15 CFR 774

Legal Deadline: None

DOC—BIS

Proposed Rule Stage

Abstract: This rule proposes to amend the Export Administration Regulations by removing License Exception GBS for certain microwave monolithic integrated circuit (MMICs) power amplifiers that can be used in phased array radar systems and TSR eligibility for related software and technology controlled on the Commerce Control List. License Exception GBS authorizes exports and reexports to Country Group B destinations when a commodity requires a license to such destinations for national security reasons only. License Exception TSR permits exports and reexports of technology and software to Group B destinations where the Commerce Country Chart (Supplement No. 1 to part 738 of the EAR) indicates a license for national security reasons only. Such license exception changes are being made because these MIMIC devices could potentially be used in military radar, surveillance, communications, and electronic warfare by countries of concern and, thus, pose a national security concern.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

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

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RIN: 0694-AD36

325. 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	07/00/06	

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

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RIN: 0694-AD53

326. VOLUNTARY DISCLOSURE PROVISIONS AND ADMINISTRATIVE CASE SETTLEMENT GUIDANCE RELATED TO RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Priority: Info./Admin./Other**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: This rule sets 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	04/00/06	

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

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RIN: 0694-AD63

DOC—BIS

Proposed Rule Stage

327. • 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 to the United States. This proposed 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.

The License Exception set forth in section 740.16(a)(3)(ii) was originally implemented when the predecessor organization to the Wassenaar Arrangement, the Coordinating Committee (COCOM) harmonized national security-based export controls through, among other things, a list of countries that were the objects of export controls by all members. The U.S. Government chose to rely on the license decisions of COCOM members in lieu of U.S. Government review for certain reexports of national security-controlled commodities to destinations that are currently listed in Country Group D:1, with certain exceptions. In addition, reexports of sensitive national security controlled commodities (generally the kinds of commodities that currently are controlled on the Commerce Control List with a reason for control of NS Column 1) to destinations that are now part of Country Group D:1 were subject to COCOM consensus reviews in which

the United States participated. Any member of COCOM, including the United States, could block such a sale. The “successor” to COCOM is the Wassenaar Arrangement. However, the Wassenaar Arrangement includes among its members countries that are not in Country Group A:1 or Cooperating Countries, and the Wassenaar Arrangement has neither a common list of countries that its controls target nor a practice of consensus review of very sensitive items prior to export.

Because the underlying rationale for this license exception no longer exists, BIS is proposing to abolish it.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0694–AD70

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

Final Rule Stage

328. CHEMICAL WEAPONS CONVENTION REGULATIONS

Priority: Other Significant

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

CFR Citation: 15 CFR 710 et seq

Legal Deadline: None

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

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

On December 30, 1999, the Bureau of Industry and Security (BIS), U.S. Department of Commerce, published an interim rule that established the Chemical Weapons Convention Regulations (CWCER) (15 CFR parts 710 to 722). The CWCER 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 CWCER to include additional requirements identified as necessary for the implementation of certain CWC provisions and amends the CWCER 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

DOC—BIS

Final Rule Stage

Action	Date	FR Cite
Final Rule	04/00/06	

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

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RIN: 0694-AB06**329. DE MINIMIS EXPANSION OF ELIGIBILITY: U.S.—ORIGIN SOFTWARE INCORPORATED INTO FOREIGN-MADE COMMODITIES****Priority:** Substantive, Nonsignificant

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

CFR Citation: 15 CFR 730 to 774**Legal Deadline:** None

Abstract: This rule amends the Export Administration Regulations (EAR) by allowing foreign-made commodities that incorporate a de minimis, i.e., low percentage, value of controlled U.S.-origin software to be considered "not subject" to the Export Administration Regulations (EAR).

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/06	

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

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RIN: 0694-AC17**330. LICENSE EXCEPTION AVS: CLARIFICATIONS****Priority:** Substantive, Nonsignificant

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

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/06	

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

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RIN: 0694-AC33**331. 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	12/00/06	

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

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RIN: 0694-AC34**332. IMPOSITION OF LICENSE REQUIREMENT FOR EXPORTS AND REEXPORTS OF MISSILE TECHNOLOGY (MT)—CONTROLLED ITEMS TO CANADA****Priority:** Substantive, Nonsignificant

Legal Authority: 50 USC app 2401 et seq; 50 USC 1701 et seq; 10 USC 7420; 10 USC 7430(e); 18 USC 2501 et seq; ...

CFR Citation: 15 CFR 738; 15 CFR 742**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	12/20/01	66 FR 65666
NPRM	05/24/05	70 FR 29660
Comment Period End	06/23/05	
Final Action	04/00/06	

DOC—BIS

Final Rule Stage

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

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RIN: 0694-AC48**333. EXPORT AND REEXPORT CONTROLS ON IRAQ****Priority:** Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: This rule establishes the new export control policy for exports to Iraq under the licensing responsibility of the Bureau of Industry and Security. The new export control policy reflects the changed circumstances in Iraq and is consistent with changes in U.S. legal authorities concerning Iraq and actions taken by the United Nations Security Council with respect to the embargo against Iraq.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/04	69 FR 46060
Final Action	06/00/06	

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

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RIN: 0694-AC84**334. 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
Final Action	12/00/06	

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

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RIN: 0694-AC94**335. CLARIFICATION OF "SPACE-QUALIFIED" PARTS, COMPONENTS, AND TECHNOLOGY SUBJECT TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant

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

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

Abstract: This rule amends the Export Administration Regulations (EAR), Commerce Control List entry for space launch vehicles and "spacecraft" to remove outdated notes and to clarify that "space qualified" parts, components and technology subject to the EAR are controlled under other entries.

Timetable:

Action	Date	FR Cite
Final Action	08/00/06	

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

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RIN: 0694-AD07**336. 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 BIS published on June 22, 2004 (RIN 0694-AD17, 69 FR 34565). That rule, inter alia, placed a limit of 44 pounds on the amount of baggage that most travelers to Cuba are allowed to take under License Exception BAG. This rule clarifies that restriction by 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	04/00/06	

Regulatory Flexibility Analysis**Required:** No

DOC—BIS

Final Rule Stage

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

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Related RIN: Related to 0694-AD17**RIN:** 0694-AD23

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

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

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

Timetable:

Action	Date	FR Cite
Final Rule	12/00/06	

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

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Related RIN: Related to 0694-AD26**RIN:** 0694-AD27

**338. 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. BIS is making these changes because it has concluded that the License Exception exclusions that this rule removes and the license requirements that were imposed pursuant to the ECCNs that this rule removes from the CCL 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 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	04/00/06	

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

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RIN: 0694-AD47

**339. 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 final 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

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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 (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
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AD52

340. 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 rule removes 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	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AD54

341. 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 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 final 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	08/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0694-AD55

342. 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 interim 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	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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Government Levels Affected: None

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Related RIN: Related to 0694-AD14

RIN: 0694-AD57

343. 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; 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 U.S.; 50 USC app 2401 et seq; 50 USC 1701 et seq; Sec 901-911, PL 106-387; EO 13026; EO 13222; 50 USC app 2401 et seq; 50 USC 1701 et seq; 18 USC 2510 et seq; 22 USC 3201 et seq; 42 USC 2139a; Sec 901-911, PL 106-387; Sec 221, PL 107-56; Sec 1503, PL 108-11; 50 USC app 2401 et seq; 50 USC 1701 et seq; EO 13222; 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)

CFR Citation: 15 CFR part 742 ; 15 CFR part 772 ; 15 CFR part 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. This rule amends the EAR to reflect the addition of Croatia, Estonia, Lithuania, Malta, and the Peoples Republic of China to the Nuclear Supplier Group and updates the definition of "Nuclear Supplier Group" in the EAR to include a current listing of all participating countries. This rule amends the EAR licensing policies for items that require a license for NP reasons by adding an additional licensing factor. The rule also amends the EAR to implement changes to the NSG Annex to the "Guidelines for

Transfer of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology" (The Annex) by revising heading for the Technical Notes at the beginning of Category 2, Section B (TEST, INSPECTION, AND PRODUCTION) on the Commerce Control List (CCL). It also revises two entries in Category 2 on the CCL that control dimensional inspection or measuring systems and equipment and machine tools for removing or cutting metals, ceramics, or "composites."

Timetable:

Action	Date	FR Cite
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0694-AD58

344. 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 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	06/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0694-AD59

345. 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 ten 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	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD60

346. 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 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 is 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	04/00/06	

Regulatory Flexibility Analysis Required: No

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

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RIN: 0694-AD62

347. ● 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	06/00/06	

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

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RIN: 0694-AD64

348. ● 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; Sec. 901-911, Pub. L. 106-387; EO 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; ...

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 taken at national discretion by the United States to make one additional missile technology (MT) controlled item available for certain license exceptions.

Timetable:

Action	Date	FR Cite
Final Action	04/00/06	

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

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RIN: 0694-AD65

349. ● 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	04/00/06	

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

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Final Rule Stage

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RIN: 0694–AD66

350. • 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 final 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	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0694–AC99

RIN: 0694–AD68

351. • REVISIONS TO LICENSE REQUIREMENTS FOR CERTAIN THERMAL IMAGING CAMERAS INCORPORATING FOCAL PLANE ARRAYS

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

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 rule removes 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 from other countries without an export license.

Timetable:

Action	Date	FR Cite
Final Rule	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD71

352. • 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; Sec 901–911, Pub L 106–387; EO 13026, 61 FR 58767, 3 CFR, 1996 Comp, p 228; EO 13222, 66 FR 44025, 3 CFR, 2001 Comp, p 783; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005)

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	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AD72

Department of Commerce (DOC)
Bureau of Industry and Security (BIS)
Long-Term Actions
353. 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

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RIN: 0694-AC04

354. 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

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RIN: 0694-AC05

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

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 730 to 774

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman

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RIN: 0694-AC15

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

Priority: Substantive, Nonsignificant

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

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64009
NPRM Comment Period End	01/12/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AC20

357. 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

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RIN: 0694-AC23

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

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 700 to 799

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694-AC35

359. GENERAL ORDER PROVIDING FOR NOTIFICATION TO STOP SPECIFIC EXPORT OR REEXPORT UNDER DESIGNATION NLR

Priority: Substantive, Nonsignificant

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

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Timothy Mooney

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RIN: 0694-AC47

360. 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

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RIN: 0694-AC74

361. 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;

...

DOC—BIS

Long-Term Actions

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

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

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Related RIN: Related to 0694-AB41**RIN:** 0694-AC82**362. 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

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RIN: 0694-AD09**363. 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

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RIN: 0694-AD10**364. EXPORT ADMINISTRATION REGULATIONS: ESTABLISH SPECIAL INTRA-COMPANY LICENSE (SIL)****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730; 15 CFR 732; 15 CFR 738; 15 CFR 753; ...**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

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RIN: 0694-AD22**365. • 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 final 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 final 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	To Be	Determined

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

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RIN: 0694-AD73

Department of Commerce (DOC)
Bureau of Industry and Security (BIS)
Completed Actions
366. LICENSE EXCEPTION APR FOR REEXPORTS TO, FROM, AND AMONG COUNTRIES IN COUNTRY GROUP A:1
Priority: Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401; 50 USC 1701; PL 106-387; EO 13026; EO 13222; 67 FR 53721**CFR Citation:** 15 CFR 740**Legal Deadline:** None

Abstract: This action will solicit public comments on the potential impact of proposals to amend the Export Administration Regulations to clarify the scope of items for which License Exception APR is available and, possibly, to narrow the scope of this license exception. The transactions that such an amendment could affect are all described in 15 CFR 740.16(a) and (b). These paragraphs deal with transactions to, from, and among countries in Country Group A:1 and cooperating countries as defined in 15 CR part 740, supp. no. 1.

Timetable:

Action	Date	FR Cite
Withdrawn	02/06/06	

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None

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Related RIN: Related to 0694-AD71**RIN:** 0694-AC69
367. REVISIONS TO LICENSE EXCEPTION TSR: EXPANSION TO SCOPE OF ELIGIBLE COUNTRIES
Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430; 18 USC 2510; 22 USC 287c; 22 USC 3201; 22 USC 6004; 30 USC 185; 42 USC 2139; 42 USC 6212; 43 USC 1354; 46 USC app 466c; 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 increase the number of countries to

which certain technology and software may be exported or reexported under License Exception TSR.

Timetable:

Action	Date	FR Cite
Withdrawn	01/25/06	

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None

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RIN: 0694-AC71
368. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS
Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 2401; 50 USC 1701; 10 USC 2151; 10 USC 7420; 10 USC 7430(e); ...

CFR Citation: 15 CFR 736; 15 CFR 738; 15 CFR 742; 15 CFR 744; ...

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) by deleting a redundant paragraph and redesignating the remaining paragraphs in one section for clarity; inserting material inadvertently omitted from previous rules in three places in the EAR; clarifying instructions for applying for authorization to transfer items subject to the EAR in-country; adding an alias for a previously listed entity on the Entity List; and removing references to two Export Control Classification Numbers (ECCNs) that do not exist. The purpose of these amendments is to make corrections and clarifications to the EAR so the public will find them easier to use.

Timetable:

Action	Date	FR Cite
Final Action	09/16/05	70 FR 54626
Final Action	10/31/05	70 FR 62237

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

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RIN: 0694-AD30
369. CLARIFICATION ON LICENSE EXCEPTION RESTRICTIONS AS RELATING TO EXPORTS AND REEXPORTS OF CRIME CONTROL AND DETECTION INSTRUMENT EQUIPMENT, AND RELATED TECHNOLOGY AND SOFTWARE
Priority: Substantive, Nonsignificant

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

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

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

Timetable:

Action	Date	FR Cite
Merged With	01/25/06	

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

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Related RIN: Merged with 0694-AD47**RIN:** 0694-AD33

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Completed Actions

370. REMOVAL OF CERTAIN NIGHT VISION DEVICES FROM ELIGIBILITY FOR LICENSE EXCEPTION APR FOR REEXPORTS TO, FROM, AND AMONG COUNTRY GROUP A:1**Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; PL 106–387; EO 13026; EO 13222**CFR Citation:** 15 CFR 740**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Withdrawn	02/06/06	

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

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Related RIN: Related to 0694–AD71**RIN:** 0694–AD34**371. REVISIONS TO THE IMPORT CERTIFICATE REQUIREMENTS IN THE EXPORT ADMINISTRATION REGULATIONS****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 is removing the requirement to obtain an Import Certificate in support of an export or reexport licence when the ultimate consignee or purchaser is a foreign government or agency of Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia, and India. The requirement is being removed for Bulgaria, Czech Republic, Hungary, Poland, Romania, and Slovakia because of their membership in the North Atlantic Treaty Organization (NATO) and their commitment to export controls, as is reflected by their membership in multiple export control regimes, such as the Wassenaar Arrangement, the Australia Group, the Missile Technology Control Regime, and Nuclear Suppliers Group. This requirement is being removed for India because of the actions it has taken under the U.S.-India Next Steps in Strategic Partnership.

Timetable:

Action	Date	FR Cite
Final Action	12/01/05	70 FR 72073

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

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RIN: 0694–AD50**372. REMOVAL OF RESTRICTION ON CERTAIN EXPORTS OF CRIME CONTROL COMMODITIES WHEN BEING EXPORTED FOR OFFICIAL USE OF U.S. GOVERNMENT AGENCIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401; 50 USC 1701; PL 106–387; EO 13026; EO 13222**CFR Citation:** 15 CFR 740**Legal Deadline:** None

Abstract: This rule allows items that are on the Commerce Control List for crime control reasons to be exported or reexported anywhere in the world under License Exception GOV if consigned to and for the official use

of a U.S. Government agency. This rule exempts such exports and reexports from a geographical restriction that applies to the use of most License Exceptions with respect to crime control commodities. This rule will, among other things, enable exporters and reexporters to ship items controlled for crime control reasons to U. S. armed forces in Iraq under License Exception GOV rather than having to apply for a license.

Timetable:

Action	Date	FR Cite
Withdrawn	02/06/06	

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

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Related RIN: Merged with 0694–AD47**RIN:** 0694–AD56**373. REVISION OF NATIONAL SECURITY BASED LICENSE REQUIREMENTS AND LICENSING POLICY, INCREASED AVAILABILITY OF LICENSE EXCEPTIONS FOR CERTAIN NATO MEMBER STATES****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; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

CFR Citation: 15 CFR 736; 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 774**Legal Deadline:** None

Abstract: This rule revises certain provisions of the Export Administration Regulations (EAR) that affect Bulgaria, Czech Republic, Estonia, Iceland, Latvia, Lithuania, Romania, Slovakia and Slovenia to treat those countries in the same manner as other NATO members with respect to national security based license requirements, national security licensing policy, availability of License Exceptions, and in-transit license requirements. This

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Completed Actions

rule removes the license requirement for items listed on the Commerce Control List with a reason for control of NS (national security) Column 2 for exports and reexports to Bulgaria, Czech Republic, Estonia, Hungary, Iceland, Latvia, Romania, Slovakia and Slovenia. This rule removes the restriction on use of license exceptions to export or reexport commodities listed on the Commerce Control List for crime control reasons to Bulgaria, Czech Republic, Hungary, Latvia, Poland, Romania, Slovakia, and Slovenia. This rule makes License Exceptions LVS, GBS and TSR available for exports and reexports to Bulgaria, Estonia, Latvia, Lithuania, and Romania that meet all of the requirements of those License Exceptions and that are not prohibited by the restrictions on all license exceptions in section 740.2 of the EAR. This rule removes from Bulgaria, Estonia, Latvia, Lithuania, or Romania from country Group D:1. That action removes certain restriction on use of four license exceptions (section 740.9, Temporary imports, exports and reexport (TMP), section 740.10 Servicing and replacement of parts and equipment (RPL); section 740.12 Gift parcels and humanitarian donations (GFT); section 740.14, Baggage (BAG), and section 740.15 Aircraft and vessels (AVS)) when exporting or reexporting to those countries. Removal from Country Group D:1 also means that application for items controlled for national security reasons will no longer be evaluated based on the likelihood

of diversion of contribution to the military potential of Bulgaria, Estonia, Latvia, Lithuania, or Romania. This rule removes Bulgaria, Estonia, Latvia and Lithuania from a list of countries for which a license is required for an item to travel through that country if a license would be required to send that same item to a final destination in that country.

Timetable:

Action	Date	FR Cite
Final Rule	11/07/05	70 FR 67346

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

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RIN: 0694-AD61**374. • CORRECTIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant

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

CFR Citation: 15 CFR 740; 15 CFR 744 ; 15 CFR 766; 15 CFR 770

Legal Deadline: None

Abstract: The Bureau of Industry and Security proposes this rule to correct two transposition errors that incorrectly restricted use of two license exceptions based on country of destination and reason for control of the item being exported; correct two citation errors in a section that describes license application review policy for exports and reexports to certain entities sanctioned by the Department of State; correct the address for serving papers on the administrative law judge in proceedings related to temporary denial orders; and remove an interpretation that is obsolete because the commodities to which it applied are no longer on the Commerce Control List.

Timetable:

Action	Date	FR Cite
Final Action	03/21/06	71 FR 14097

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

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RIN: 0694-AD67

Department of Commerce (DOC)

National Institute of Standards and Technology (NIST)

Final Rule Stage

375. 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

DOC—NIST

Final Rule Stage

Action	Date	FR Cite
Notice	03/31/06	71 FR 16289
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Michael R. Rubin, Deputy Chief Counsel, Department ofCommerce, National Institute of Standards and Technology, Admin Building, Gaithersburg, MD 20899
Phone: 301 975-2803**RIN:** 0693-AB56

Department of Commerce (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

376. 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
NPRM	05/00/06	
NPRM Comment Period End	07/00/06	

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-AN09**377. MEASURES TO PREVENT OR MITIGATE AND CONSERVE, MANAGE, AND ALLOW FULL UTILIZATION OF SHARKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** 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	10/00/06	
NPRM Comment Period End	12/00/06	

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**378. 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	10/00/06	
NPRM Comment Period End	11/00/06	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200**RIN:** 0648-AP60**379. IMPLEMENTATION OF THE REGULATORY CHANGES RESULTING FROM THE AMENDMENTS AND EXTENSION OF THE SOUTH PACIFIC TUNA ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 50 CFR 300**Legal Deadline:** None**Abstract:** This rulemaking would implement the regulatory changes resulting from the recently renegotiated Treaty on Fisheries between the governments of Certain Pacific Island States and the Government of the United States, 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

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NOAA Fisheries. This rule would eliminate the prohibition of duly authorized U.S. longline vessels from fishing in the high seas areas within the Treaty Area. Additionally, it will impose minor modifications in the various reporting requirements, as well as modify the areas of fishing allowed in the exclusive economic zones of the Solomon Islands and Papua New Guinea.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

RIN: 0648–AP61

380. 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
NPRM	01/00/07	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, State

Agency Contact: Robert 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

381. REGULATORY AMENDMENT TO SECTION 679 PERMITS OR PERMIT-RELATED ISSUES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking would revise several sections of regulations that pertain to permits or permit-related issues by technical edits and clarifications to existing requirements, removal of obsolete text, and clarification and simplification of text. In addition, this rulemaking would combine the registered buyer permit with the Federal processor permit when a shoreside processor does both IFQ and groundfish. This would be accomplished by adding an endorsement to the Federal processor permit.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert 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

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This regulatory amendment under the Bottomfish FMP would remove 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	10/00/06	
NPRM Comment Period End	11/00/06	

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–AK82

RIN: 0648–AQ20

383. FISHERIES OF THE UNITED STATES; NATIONAL STANDARD 1

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: NMFS is considering revisions to the national standard guidelines for National Standard 1 (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

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Proposed Rule Stage

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	10/00/06	

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

384. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

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

Timetable:

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

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-AQ87

385. AMENDMENT 62 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA AND AMENDMENT 62 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA (BSAI)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking 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 rulemaking would address obsolete and inconsistent inshore/offshore language in both the BSAI and GOA groundfish FMPs and recommend removing the GOA inshore/offshore allocation sunset date.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert 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

386. 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	07/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert 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

387. CATCHER VESSEL ELECTRONIC REPORT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

DOC—NOAA

Proposed Rule Stage

Agency Contact: Robert 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

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

Priority: Other Significant

Legal Authority: 16 USC 1851

CFR Citation: 50 CFR 697

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	07/21/03	68 FR 43074
ANPRM Comment Period End	08/20/03	
Comment Period Extended	08/26/03	68 FR 51232
Notice of Intent	10/20/03	68 FR 59906
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	

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

389. 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

390. AMENDMENT 72 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE GULF OF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert 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-AR72

391. 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: NMFS amends the regulations at 50 CFR 600.745. The action is intended to provide clearer guidance to the public for obtaining appropriate acknowledgments and permits and to facilitate the timely conduct of research to address bycatch and habitat issues in the fisheries.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	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-AR78

392. 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	09/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert 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

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 679

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Robert 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

394. 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	07/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 727 824-5305

Fax: 727 824-5308

RIN: 0648-AS15

395. 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.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
NPRM Comment	11/00/06	
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**396. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE TILEFISH FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: Amendment 1 to the Fishery Management Plan for the Tilefish Fishery would implement Individual Transferable Quotas in the tilefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
NPRM Comment	02/00/07	
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**397. REGULATORY AMENDMENT TO ESTABLISH MEASURES AUTHORIZING THE OPTIONAL USE OF ELECTRONIC LOGBOOK FORMS IN THE WESTERN PACIFIC FISHERIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** 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	06/00/06	
NPRM Comment	07/00/06	
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**398. 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**399. REVISE PRECIOUS CORAL MEASURES TO INCREASE THE PROTECTION OF BLACK CORAL RESOURCES IN HAWAII****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, February 2005.

Final, Statutory, May 2005.

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

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

Timetable:

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

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

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

Phone: 808 944-2207

RIN: 0648-AS64**400. GENERIC AMENDMENT TO PROVIDE FOR REGULATIONS OF OFFSHORE AQUACULTURE OF SELECTED FISH****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq

DOC—NOAA

Proposed Rule Stage

CFR Citation: 50 CFR 622**Legal Deadline:** None

Abstract: The purpose of the amendment is to develop a regulatory permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf EEZ. Possible management actions include: 1) Types of aquaculture permits required; 2) duration aquaculture permits are effective; 3) conditions for permit issuance; 4) species allowed for aquaculture; 5) allowable aquaculture systems; 6) designation of sites or areas for conducting aquaculture; 7) buffer zones for aquaculture facilities; 8) recordkeeping and reporting requirements; and 9) regulations to aid in the enforcement of marine aquaculture facilities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
NPRM Comment	03/00/07	
Period End		

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

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

RIN: 0648-AS65

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

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

Abstract: This action would establish the Individual Fishing Quota Program (IFQ) for the Gulf commercial red snapper fishery. The amendment contains alternatives developed by the Ad Hoc Snapper Advisory Panel and the Council that provide for: (1) IFQ Program; (2) IFQ program donation; (3) eligibility for initial IFQ allocation; (4) initial apportionment of IFQ shares; (5)

ownership caps and restrictions on IFQ share certificates or allocations; (6) transfer of eligibility requirements; (7) use-or-lose IFQ shares or allocations; (8) appeals process; (9) adjustments in commercial quota program; (10) vessel monitoring system; and (11) cost recovery.

Timetable:

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

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

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

RIN: 0648-AS67

402. 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
NPRM	05/00/06	
NPRM Comment	06/00/06	
Period End		

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

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

RIN: 0648-AS68

403. 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	04/27/06	
Period End		
Final Action	07/00/06	

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

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

RIN: 0648-AS70

404. ESTABLISH MANAGEMENT MEASURES FOR THE WESTERN PACIFIC SQUID FISHERY

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

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

DOC—NOAA

Proposed Rule Stage

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

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-AS71**405. 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 adopted 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 NMFS 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	11/00/06	
NPRM Comment Period End	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**406. 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	11/00/06	
NPRM Comment Period End	12/00/06	

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

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

Fax: 907 586-7249

RIN: 0648-AS77**407. 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	05/00/06	
NPRM Comment Period End	06/00/06	

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

Agency Contact: Robert 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**408. 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

DOC—NOAA

Proposed Rule Stage

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	11/00/06	
NPRM Comment Period End	12/00/06	

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**409. 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	03/21/06	71 FR 14470
NPRM Comment Period End	05/08/06	
Final Action	07/00/06	

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

Agency Contact: Robert 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**410. 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	11/00/06	
NPRM Comment Period End	12/00/06	

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**411. 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	07/00/06	

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**412. FRAMEWORK 42 TO THE NORTHEAST MULTISPECIES 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 Northeast multispecies fishery.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
NPRM Comment Period End	09/00/06	

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

DOC—NOAA

Proposed Rule Stage

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

RIN: 0648-AT24

413. 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	11/00/06	

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-AT25

414. 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 16 would provide alternatives for use of recreational data in setting specifications and to allow regional conservation equivalency.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
NPRM Comment Period End	11/00/06	

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

415. 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	07/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

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

RIN: 0648-AT28

416. 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: NMFS 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 (ASFC) 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.

Timetable:

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

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

417. 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.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	12/00/06	

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

418. 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 NMFS-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 in the Caribbean SFA Amendment to minimize adverse impacts to EFH 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	08/00/06	

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

419. 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 Fee Program under the Halibut and Sablefish IFQ Program and the Crab Rationalization Program. The action would provide a revised structure for determining the 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	10/00/06	
NPRM Comment Period End	11/00/06	

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

Agency Contact: Robert 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

420. MANAGEMENT MEASURES FOR PACIFIC BIGEYE TUNA

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

Abstract: Amendment 14 to the Pelagics 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	05/00/06	
NPRM Comment Period End	06/00/06	

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

421. 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 generic action would address issues related to essential fish habitat in certain Northeast fisheries.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	
NPRM Comment Period End	10/00/06	

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

DOC—NOAA

Proposed Rule Stage

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

RIN: 0648-AT57

422. 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	09/00/06	
NPRM Comment	10/00/06	
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-AT58

423. 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	05/00/06	
NPRM Comment	06/00/06	
Period End		

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

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

424. SPECIFICATIONS FOR THE 2007 FISHING YEAR FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would establish specifications for the 2007 fishing year for the summer flounder, scup, and black sea bass fisheries.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	
NPRM Comment	10/00/06	
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

425. 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	09/00/06	
NPRM Comment	10/00/06	
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

426. 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	09/00/06	
NPRM Comment	10/00/06	
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-AT62

427. 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	08/00/06	

DOC—NOAA

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/00/06	

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-AT63

428. 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	08/00/06	
NPRM Comment Period End	09/00/06	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**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-AT65

429. 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	09/00/06	
NPRM Comment Period End	10/00/06	

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-AT66

430. 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	08/00/06	
NPRM Comment Period End	09/00/06	

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

431. 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
NPRM	06/00/06	
NPRM Comment Period End	07/00/06	

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

Agency Contact: Robert 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

432. 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

DOC—NOAA

Proposed Rule Stage

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	05/00/06	

Regulatory Flexibility Analysis Required: Undetermined

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

433. 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
NPRM	05/00/06	

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

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-AT75

434. 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	09/00/06	
NPRM Comment Period End	10/00/06	

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

Related RIN: Merged with 0648-AT86

RIN: 0648-AT87

435. • INTERAGENCY ELECTRONIC REPORTING SYSTEM (IERS)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking will incorporate into the IERS, landings and production data reports for groundfish, and other species fisheries. The IERS will replace the Shoreside Processor Electronic Logbook Report (SPELR) used by many shoreside processors and stationary floating processors to report groundfish and will provide a new option for those processors using the paper logbooks and forms to record and report groundfish. The SPELR was created as an option for paper logbooks and reports of the groundfish fisheries. The IERS will also replace the IFQ Internet System used by Registered Buyers to record and report IFQ Pacific halibut, halibut CDQ, and IFQ sablefish.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
NPRM Comment Period End	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert 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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RIN: 0648-AT91

DOC—NOAA

Proposed Rule Stage

436. • WESTERN PACIFIC PRECIOUS CORALS FMP: AMENDMENT TO MANAGE HAWAII BLACK CORAL FISHERY**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 660**Legal Deadline:** None

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

Timetable:

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

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

Agency Contact: Robert 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**437. • 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 660**Legal Deadline:** None

Abstract: NMFS 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	05/00/06	
NPRM Comment	06/00/06	
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-AT94**438. • 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 660**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
NPRM	05/00/06	
NPRM Comment	06/00/06	
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

Related RIN: Merged with 0648-AL67, Merged with 0648-AR65, Merged with 0648-AS31, Merged with 0648-AS63

RIN: 0648-AT95**439. • 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 rulemaking would exempt Pollock and CDQ vessels that participate in a voluntary rolling hotspot closure system (VHRS) from chum and Chinook salmon savings area closures. The VHRS utilizes inseason data and a private contractor to determine and avoid high salmon bycatch areas. The VHRS encourages salmon bycatch reduction through internal enforcement of a civil agreement between cooperatives and third party groups. This rulemaking would also exempt vessels participating in the trawl cod and/or flatfish targets from closures of the chum salmon savings area.

Timetable:

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

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

Agency Contact: Robert 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

DOC—NOAA

Proposed Rule Stage

440. • REGULATORY AMENDMENT TO THE REEF FISH MANAGEMENT PLAN TO SET RECREATIONAL MANAGEMENT MEASURES FOR GROUPEL STARTING IN 2006**Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

Abstract: This regulatory amendment originally contained both commercial and recreational management measures for Gulf of Mexico grouper. However, the Gulf of Mexico Fishery Management Council (Council) voted to split commercial and recreational actions into two regulatory amendments at their October 2005 meeting. 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. The purpose of this regulatory amendment is 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. Actions considered in this regulatory amendment include changes to recreational management measures, such as bag limits, size limits, vessel limits, and closed seasons.

Timetable:

Action	Date	FR Cite
NPRM	03/31/06	71 FR 16275
NPRM Comment Period End	05/01/06	
Final Action	07/00/06	

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**Related RIN:** Split from 0648-AT12**RIN:** 0648-AU04**441. • 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	07/00/06	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Robert 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**442. • 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: NMFS announces that it is considering, and seeking public comment on, the implementation of further minimum carapace length (gauge) increases and escape vent size increases in the Federal lobster fishery, consistent with recommendations for Federal action in Addenda II-VII of Amendment 3 to the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP) for American Lobster. (These include gauge increases scheduled annually from 2005 through 2008 in Lobster Conservation Management Areas (LCMA) 3 and the Outer Cape Lobster Conservation Management Area (OCLMA), as well as an escape vent size increase for LCMA 1 scheduled for 2007. These measures are in addition to those addressed by NMFS in a proposed rule, published in the Federal Register on September 2, 2005 (70 FR 52346), which proposes gauge increases and escape vent size increases as scheduled through 2004 in Addenda II and III to Amendment 3 of the ISFMP.

Timetable:

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

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For More Information:**<http://www.nero.noaa.gov/statefedoff/>**URL For Public Comments:**<http://www.nero.noaa.gov/nero/comments/index.htm>**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast

DOC—NOAA

Proposed Rule Stage

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

RIN: 0648-AU07

443. ● 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 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 from 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	05/00/06	
NPRM Comment Period End	06/00/06	

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

444. ● 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 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	06/00/06	
NPRM Comment Period End	07/00/06	

Regulatory Flexibility Analysis

Required: No

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

445. ● AMENDMENT 18 (BYCATCH MINIMIZATION) TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: Amendment 18 modifies the Pacific Coast groundfish FMP to implement a bycatch minimization program. Over the past several years, the Pacific Fishery Management Council (Council) has used a broad suite of informal bycatch minimization policies that have been formally organized and brought into the FMP through Amendment 18. This FMP amendment also sets the Council's future plans for bycatch minimization programs into the FMP to provide comprehensive direction for its current and future bycatch minimization efforts in Pacific Coast groundfish fishery management. Amendment 18 is intended to respond to court orders in Pacific Marine Conservation Council v. Evans, 200 F.Supp.2d 1194 (N.D. Calif. 2002) to establish a bycatch minimization program in the FMP. NMFS has previously complied with the court's orders from this same case under Amendment 16-1 to the FMP, in which it established a standardized bycatch reporting methodology as a required element of the FMP. Regulations to implement Amendment 18 would: Establish that species co-occurrence ratios will be used in setting trip limits and other management measures; revise routine management measures authority to allow the use of area closures to protect all species, not just overfished species, and; revise observer regulations to clarify NMFS's authority to place observers on board vessels that participate in non-target fisheries that take groundfish incidentally to their target fishing operations.

DOC—NOAA

Proposed Rule Stage

Timetable:

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

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-AU12**446. • 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	07/00/06	

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-AU13**447. • 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	05/00/06	
NPRM Comment Period End	06/00/06	

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**448. • 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 NMFS 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	07/00/06	

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

Agency Contact: Robert 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**449. • 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 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

DOC—NOAA

Proposed Rule Stage

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 towards comprehensive rationalization.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/06	71 FR 8268
NPRM	10/00/06	
NPRM Comment	11/00/06	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert 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

450. • 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 would be revised by removing 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 would be revised by removing 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	06/00/06	
NPRM Comment	07/00/06	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert Mecum, Acting Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802
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RIN: 0648-AU20

451. • 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
NPRM	05/00/06	
NPRM Comment	06/00/06	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AU21

452. • AMENDMENT 10 TO THE BOTTOMFISH AND SEAMOUNT GROUND FISH FMP: MEASURES TO END BOTTOMFISH OVERFISHING IN THE HAWAIIAN ARCHIPELAGO

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

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: The 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	06/00/06	
NPRM Comment	07/00/06	
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-AU22

453. • 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	05/00/06	
NPRM Comment	06/00/06	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

DOC—NOAA

Proposed Rule Stage

Fax: 907 586-7249

Related RIN: Related to 0648-AS47

RIN: 0648-AU24

454. • AUTHORIZE AN EXEMPTED FISHING PERMIT UNDER THE HIGHLY MIGRATORY SPECIES 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 HMS FMP, to allow a limited number of drift gillnet vessels to fish in a zone currently closed under ESA and Magnuson 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	06/00/06	
NPRM Comment Period End	07/00/06	

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

455. • 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 proposed to amend its CPS 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	05/00/06	
NPRM Comment Period End	06/00/06	

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-AU26

456. • 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 will announce the annual harvest guideline for Pacific mackerel in the exclusive Economic Zone off the Pacific coast. The Coastal Pelagic Species Fishery Management Plan (FMP) and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel based on a formula in the FMP. The intended effect of this action is to establish allowable harvest levels for Pacific mackerel off the Pacific coast

and to minimize the impact on other coastal pelagic fisheries.

Timetable:

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

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

457. • 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 will establish marine protected areas (MPAs) in Federal waters of the South Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
NPRM Comment Period End	09/00/06	

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

DOC—NOAA

Proposed Rule Stage

458. • 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; and 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	08/00/06	
NPRM Comment Period End	09/00/06	

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-AU29**459. • AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This Amendment 10 to the Fishery Management Plan for Atlantic mackerel, squid, and butterfish would

implement a rebuilding program for the butterfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	
NPRM Comment Period End	10/00/06	

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

Undetermined

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

RIN: 0648-AU31**460. • 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: The regulations implementing Amendment 11 would control effort in the General Category sector of the scallop fishery.

Timetable:

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

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

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

RIN: 0648-AU32**461. • 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	05/00/06	
NPRM Comment Period End	06/00/06	

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

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

RIN: 0648-AU33**462. • 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	10/00/06	
NPRM Comment Period End	11/00/06	

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

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

RIN: 0648-AU34**463. • AMENDMENT 14 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

DOC—NOAA

Proposed Rule Stage

Legal Deadline: None

Abstract: Amendment 14 would implement a rebuilding program for scup.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
NPRM Comment Period End	11/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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

RIN: 0648-AU35

464. • 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	09/00/06	
NPRM Comment Period End	10/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

RIN: 0648-AU36

465. • 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
Notice	05/30/06	71 FR 16278
NPRM	06/00/06	
NPRM Comment Period End	07/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Robert 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

466. 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

Action	Date	FR Cite
ANPRM Comment Period End	03/06/00	
NPRM	11/00/06	
NPRM Comment Period End	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-AM85

467. 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	06/00/06	
NPRM Comment Period End	08/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Trevor Spradlin, Marine Mammal Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2289
Email: trevor.spradlin@noaa.gov

RIN: 0648-AN43

DOC—NOAA

Proposed Rule Stage

468. TAKING AND IMPORTING MARINE MAMMALS: TAKING MARINE MAMMALS INCIDENTAL TO CONDUCTING OIL AND GAS EXPLORATION ACTIVITIES IN THE GULF OF MEXICO**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1371(a)(5)(A)**CFR Citation:** 50 CFR 216.101 to 216.108**Legal Deadline:** None

Abstract: The National Marine Fisheries Service has received an application from the U.S. Minerals Management Service for regulations under section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA) to authorize the taking of marine mammals incidental to conducting oil and gas exploration activities by U.S. citizens in the Gulf of Mexico. Without this authorization, the taking of marine mammals is prohibited by the MMPA. In order to authorize the taking and issue authorizations, NMFS must, through regulations, determine that the proposed activity will have no more than a negligible impact on the affected species and stocks of marine mammals.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	
NPRM Comment Period End	11/00/06	

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**469. RIGHT WHALE SHIP STRIKE REDUCTION****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 16 USC 1361**CFR Citation:** 50 CFR 224**Legal Deadline:** None

Abstract: These regulations would implement a strategy to reduce the

known mortalities to North Atlantic right whales as a result of collisions with vessels, which account for more confirmed right whale deaths than any other human-related activity. The strategy addresses the lack of recovery of the endangered North Atlantic right whale by reducing the likelihood and threat of ship strike mortalities to the species. NMFS has developed a framework of proposed, new operational measures for the shipping industry as an element of this strategy, including consideration of routing and speed restrictions. These operational measures would be limited to areas and times when North Atlantic right whales and ships overlap to reduce the likelihood of ship strikes to the extent practicable.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/04	69 FR 30857
ANPRM Comment Period Extended	07/09/04	69 FR 41446
ANPRM Comment Period Extended	09/13/04	69 FR 55135
NPRM	09/00/06	

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

Public Compliance Cost: ; Yearly Recurring Cost: \$116000000; Base Year for Dollar Estimates: 2005

URL For More Information:

www.nmfs.noaa.gov/pr/pr2

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

Peter Robbins, Attorney Advisor, Department of Commerce, 14th & Constitution Ave. NW., Washington, DC 20230

Phone: 202 482-0846

Email: probbins@doc.gov

RIN: 0648-AS36**470. 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 MMPA 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	06/00/06	
NPRM Comment Period End	07/00/06	

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

Related RIN: Related to 0648-AK76**RIN:** 0648-AT39**471. 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

DOC—NOAA

Proposed Rule Stage

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	04/00/06	

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 Blvd., No. 4200, Long Beach, CA 90802

Phone: 502 980-4015

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RIN: 0648-AT46

472. 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 MMPA to take marine mammals, by harassment, injury and possible mortality, incidental to conducting a shock trial along the U.S. East Coast/Gulf of Mexico. Shock trials are required to test the survivability of naval ship assets in accordance with

section 2366, Title 10 United States Code. As a result of this request, NMFS will propose new regulations, that if implemented, would govern the incidental taking of marine mammals by the Navy for this activity. In order to promulgate regulations and issue an 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	11/00/06	
NPRM Comment Period End	12/00/06	

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: 301 713-2322

Fax: 301 713-0376

Email: ken.hollingshead@noaa.gov

RIN: 0648-AT77

473. 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 MMPA 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 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	11/00/06	
NPRM Comment Period End	12/00/06	

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 Blvd., No. 4200, Long Beach, CA 90802

Phone: 502 980-4015

Fax: 502 980-4027

RIN: 0648-AT78

474. 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

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Proposed Rule Stage

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	05/07/06	

Regulatory Flexibility Analysis

Required: Undetermined

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

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Email: ken.hollingshead@noaa.gov

RIN: 0648-AT79

475. 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) expects to receive a request from the U.S. Navy for an authorization under the MMPA 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	11/00/06	
NPRM Comment Period End	12/00/06	

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

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Email: ken.hollingshead@noaa.gov

RIN: 0648-AT80

476. 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 MMPA 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 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	11/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Lecky James H., 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

477. 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	06/00/06	
NPRM Comment Period End	07/00/06	

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 Blvd., No. 4200, Long Beach, CA 90802

Phone: 502 980-4015

DOC—NOAA

Proposed Rule Stage

Fax: 502 980-4027

RIN: 0648-AT82

478. 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	06/00/06	
NPRM Comment Period End	07/00/06	

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: 301 712-2332

RIN: 0648-AT83

479. ● 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: NMFS is considering whether to propose 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 (MMPA) and its implementing regulations, or to otherwise adversely affect the dolphins. The scope of this ANPR 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. NMFS requests comments on whether—and if so, what type of—conservation measures, regulations, and, if necessary, other measures would be appropriate to protect spinner dolphins in the main Hawaiian Islands from the effects of these activities.

Timetable:

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

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

Undetermined

Agency Contact: James H. Lecky, Assistant Regional Administrator, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 W. Ocean Blvd., No. 4200, Long Beach, CA 90802

Phone: 502 980-4015

Fax: 502 980-4027

RIN: 0648-AU02

480. ● 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 proposed 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 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	05/00/06	
NPRM Comment Period End	06/00/06	

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

481. ● 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: NMFS 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	05/00/06	
NPRM Comment Period End	07/00/06	

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Proposed Rule Stage

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 AtmosphericAdministration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-1401
Fax: 301-427-2523
Email: marta.nammack@noaa.gov**RIN:** 0648-AU38**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****482. NORTHWEST 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:** Not Yet Determined**Legal Deadline:** None**Abstract:** The National Marine Sanctuaries Program, together with State and Federal partners and other stakeholders, designates the Northwest 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
NPRM	06/00/06	
NPRM Comment Period End	07/00/06	

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:** Aulani Wilhelm, Acting Superintendent, Department of Commerce, National Oceanic and Atmospheric Administration, 6700 Kalaniana' Ole Highway, Honolulu, HI 96825

Phone: 808 397-2657

Email: aulani.wilhelm@noaa.gov

RIN: 0648-AS83**483. 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 (H)**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	04/00/06	
NPRM Comment Period End	06/00/06	

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
Email: maria.brown@noaa.gov**RIN:** 0648-AT14**484. MONTEREY BAY NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1434; 16 USC 1439**CFR Citation:** 15 CFR 922 (M)**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	04/00/06	
NPRM Comment Period End	06/00/06	

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**485. CHANNEL ISLANDS NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1434; 16 USC 1439**CFR Citation:** 15 CFR 922 (G)**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	04/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Christopher Mobley, Superintendent, Department of Commerce, National Oceanic and

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Proposed Rule Stage

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

486. 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 (G)

Legal Deadline: None

Abstract: This action would amend the existing regulations and designation document for the Channel Islands National Marine Sanctuary. This action, which would complement existing marine protected areas designated by the State of California, seeks to further protect sanctuary resources by regulating certain extractive activities within the Channel Islands National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christopher Mobley, Superintendent, Department of Commerce, National Oceanic and Atmospheric Administration, Channel Islands National Marine Sanctuary, 113 Harbor Way, Suite 150, Santa Barbara, CA 93109
 Phone: 805 966-7107
 Fax: 805 568-1582
 Email: chris.mobley@noaa.gov

RIN: 0648-AT18

OFFICE OF THE ADMINISTRATOR

487. CORDELL BANK NATIONAL MARINE SANCTUARY MANAGEMENT PLAN REVIEW

Priority: Substantive, Nonsignificant
Legal Authority: 16 USC 1434; 16 USC 1439
CFR Citation: 15 CFR 922 (K)
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	04/00/06	
NPRM Comment Period End	06/00/06	

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)

National Oceanic and Atmospheric Administration (NOAA)

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NATIONAL MARINE FISHERIES SERVICE

488. 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	04/00/06	

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

489. 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

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of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding a 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 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
Final Action	07/00/06	

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-AQ65**490. 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, 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	06/00/06	

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

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

Phone: 301 713-2379

RIN: 0648-AS09**491. 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	07/00/06	

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**492. 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

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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
Correction	05/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State

Agency Contact: Robert 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

493. 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: NMFS 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	11/00/06	

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 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

494. 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	11/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert 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

495. 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	11/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert 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-AT04

496. 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

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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	05/00/06	

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

497. 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
NPRM Comment Period End	12/02/05	
Final Rule	12/29/05	70 FR 77060
Final Action	07/00/06	

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

498. 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	05/00/06	

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-AT34

499. FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC; REEF FISH FISHERY OF THE GULF OF MEXICO; GULF GROUPEL 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
Final Action	10/00/06	

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-AT45

500. 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

DOC—NOAA

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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	06/00/06	

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

501. 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 notice 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 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	11/00/06	

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

502. 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 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	05/00/06	

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

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

Timetable:

Action	Date	FR Cite
NPRM	01/17/06	71 FR 2510
NPRM Comment Period End	02/01/06	
Final Action	05/00/06	

DOC—NOAA

Final Rule Stage

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**504. 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 rulemaking 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 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

Action	Date	FR Cite
NPRM Comment Period End	12/19/05	
Final Action	06/00/06	

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

Agency Contact: Robert 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**505. • 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 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

Action	Date	FR Cite
NPRM Comment Period End	02/27/06	
Final Action	05/00/06	

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-AT98**506. • RESOURCE AGENCY PROCEDURES FOR CONDITIONS AND PRESCRIPTIONS IN HYDROPOWER LICENSES****Priority:** Other Significant**Legal Authority:** 16 USC 797(e)**CFR Citation:** 50 CFR 221**Legal Deadline:** None

Abstract: Pursuant to the Energy Policy Act of 2005 (EPAct), the Departments of Agriculture, Commerce and Interior are establishing jointly procedures for a new category of expedited trial-type hearings. The hearings will resolve disputed issues of material fact with respect to conditions or prescriptions that one or more of the Departments develop for inclusion in a hydropower license issued by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act. The three Departments are also establishing procedures for the consideration of alternative conditions and prescriptions submitted by any party to a license proceeding, as provide in the EPAct.

Timetable:

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

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

DOC—NOAA

Final Rule Stage

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

507. • 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: 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	09/00/06	

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

508. • 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 keystocks 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	07/00/06	

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-AU09

509. • FINAL RULE TO 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	05/00/06	

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

510. 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	

DOC—NOAA

Final Rule Stage

Action	Date	FR Cite
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

511. TAKING OF THE COOK INLET, ALASKA, STOCK OF BELUGA WHALES BY ALASKA NATIVES**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1371**CFR Citation:** 50 CFR 216**Legal Deadline:** None

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

Timetable:

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

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

Agency Contact: Thomas C. Eagle, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2055

Fax: 301 713-4060

Email: tom.eagle@noaa.gov

RIN: 0648-AO16

512. 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	08/00/06	

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: Lecky James H., 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

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

Timetable:

Action	Date	FR Cite
NPRM	06/29/04	69 FR 38873
NPRM Comment Period End	07/29/04	
Final Action	11/00/06	

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

DOC—NOAA

Final Rule Stage

514. 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	11/00/06	

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

RIN: 0648-AS01**515. 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: NMFS 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	06/00/06	

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

Agency Contact: Lecky James H., 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**516. • 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
Final Action	10/00/06	

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

DOC—NOAA

Final Rule Stage

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**517. GRAY'S REEF NATIONAL MARINE SANCTUARY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1434; 16 USC 1439**CFR Citation:** 15 CFR 922.90 to 922.92**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62033
NPRM Comment Period End	12/31/03	
Final Action	11/00/06	

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**518. CERTIFICATION REQUIREMENTS FOR NOAA ELECTRONIC NAVIGATIONAL CHART DISTRIBUTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 892(a) to 892(b); HSI A 2002, sec 303; HSI A 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 HSI A 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 ENC downloading, exact copying, and redistribution of those copies of NOAA ENC 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	11/00/06	

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**OFFICE OF THE ADMINISTRATOR****519. 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

Action	Date	FR Cite
NPRM Comment Period End	06/20/05	
Final Action	04/00/06	

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

DOC—NOAA

Final Rule Stage

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 RIN: 0648-AT00

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

Long-Term Actions

NATIONAL OCEAN SERVICE/OFFICE
 OF OCEAN AND COASTAL
 RESOURCE MANAGEMENT

520. 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
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RIN: 0648-AP98

NATIONAL OCEAN SERVICE/OFFICE
 OF MINERAL ENERGY

521. COASTAL ZONE MANAGEMENT
 ACT FEDERAL CONSISTENCY
 REGULATIONS

Priority: Other Significant
 CFR Citation: 15 CFR 930

Timetable:

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

522. REGIONAL MARINE RESEARCH
 PROGRAM

Priority: Substantive, Nonsignificant
 CFR Citation: Not Yet Determined

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis
 Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Don Scavia

Phone: 301 713-3060

RIN: 0648-AF20

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

Completed Actions

523. PROPOSED HIGHLY MIGRATORY
 SPECIES PROCESS

Priority: Substantive, Nonsignificant
 Legal Authority: 16 USC 1801 et seq;
 16 USC 971 et seq
 CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: NMFS revises the administrative procedures it follows to prepare and issue highly migratory species (HMS) fishery management plans (FMPs), FMP amendments and implementing regulations for the Atlantic Ocean, Gulf of Mexico, and

Caribbean Sea in response to recent amendments to the Magnuson-Stevens Fishery Management Act.

Timetable:

Action	Date	FR Cite
Notice	09/18/97	62 FR 48990
Comment Period End	10/15/97	
Withdrawn	11/03/05	

Regulatory Flexibility Analysis
 Required: No

Government Levels Affected: None

Agency Contact: John Dunnigan,
 Director, Office of Sustainable
 Fisheries, Department of Commerce,

National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
 Phone: 301 713-1917
 Email: john.dunnigan@noaa.gov

RIN: 0648-AK40

524. AMENDMENT 12 TO THE
 FISHERY MANAGEMENT PLAN FOR
 THE CRUSTACEAN FISHERIES OF
 THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant
 Legal Authority: 16 USC 1801 et seq
 CFR Citation: 50 CFR 660

DOC—NOAA

Completed Actions

Legal Deadline: Final, Statutory, September 2005, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: Amendment 12 to the Crustaceans FMP would establish the U.S. EEZs around the Commonwealth of the Northern Mariana Islands and U.S. Pacific remote island areas as crustaceans management areas and establish permit and reporting requirements for the crustacean fisheries.

Timetable:

Action	Date	FR Cite
Merged With 0648-AT95	02/01/06	

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-AL67

525. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, October 2005, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: Amendment 7 to the Bottomfish FMP would close all Federal waters within 50 nm around Guam to bottomfish fishing vessels greater than 50 feet in length and establish permit and reporting requirements for these vessels.

Timetable:

Action	Date	FR Cite
Withdrawn	02/01/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

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

RIN: 0648-AM98

526. REVISION OF AMERICAN LOBSTER REGULATIONS FOR THE EEZ

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 5101 et seq

CFR Citation: 50 CFR 697

Legal Deadline: None

Abstract: In accordance with the Atlantic Coastal Fisheries Cooperative Management Act (Act), 16 U.S.C. 5101 et seq., NMFS announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone in response to recommendations from the Atlantic States Marine Fisheries Commission to NMFS in Addenda II and III to Amendment 3 to the Interstate Fishery Management Plan (ISFMP) for American Lobster. This action would develop regulations relative to Addendum III to the ISFMP, and combine those with Addendum II (ANPRM and NOI published May and September of 2001, respectively) into a single environmental impact statement. Addendum II management measures would include minimum gauge size increases in five of the seven Lobster Conservation Management Areas (LCMA), lobster trap gear modifications, a 4-year lobster trap reduction schedule for LCMA 3, and a logbook requirement for LCMA 3 lobster vessels. Addendum III would further modify Addendum II's gauge increase schedule and include new management measures for the majority of the LCMAs.

Timetable:

Action	Date	FR Cite
ANPRM	05/24/01	66 FR 28726
ANPRM Comment Period End	06/25/01	
ANPRM	09/05/02	67 FR 56801
ANPRM Comment Period End	10/07/02	
NPRM	09/02/05	70 FR 52346

Action	Date	FR Cite
NPRM Comment Period End	10/17/05	
Final Action	03/14/06	71 FR 13027

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, 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-AP18

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/12/05	70 FR 59296
NPRM Comment Period End	12/12/05	
Final Action	03/02/06	71 FR 10614

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

DOC—NOAA

Completed Actions

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

RIN: 0648-AP38

528. COMPREHENSIVE AMENDMENT ADDRESSING SUSTAINABLE FISHERIES ACT REQUIREMENTS REGARDING OVERFISHING, BYCATCH, FISHING COMMUNITIES AND PROVISIONS FOR FISHERY MANAGEMENT PLANS FOR THE CARIBBEAN

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: Final, Statutory, November 2005, Final regulations to be published within 30 days of end of NPRM comment period.

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

Timetable:

Action	Date	FR Cite
Notice	06/16/05	70 FR 35053
NPRM	09/13/05	70 FR 53979
NPRM Comment Period End	09/28/05	
Final Action	10/28/05	70 FR 62073

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-AP51

529. TURTLE MITIGATION FOR NON-HAWAII-BASED PELAGIC LONGLINE AND NON-LONGLINE VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/15/05	70 FR 47777
NPRM Comment Period End	09/14/05	
Final Action	11/15/05	70 FR 69282

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-AQ91

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: None

Abstract: Amendment 13B will: (1) Redefine, as needed, the snapper-grouper fishery management unit (FMU) and FMU sub-units; (2) define biomass-based estimates of biological reference points and status determination criteria for all stocks/complexes that comprise the FMU; (3) establish rebuilding schedules based on biomass-based estimates of status determination criteria for all overfished stocks/complexes in the FMU; (4) implement management measures to decrease fishing mortality; (5) assess the practicability of additional bycatch reduction measures; (6) assess the practicability of changes to the renewal period on commercial snapper-grouper permits; and (7) 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
Withdrawn	02/07/06	

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-AR38

531. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: Amendment 8 would establish bottomfish management areas in Federal waters around the Commonwealth of the Northern Mariana Islands and the Pacific Remote Island Areas, add 48 bottomfish management unit species, and establish permit and reporting requirements.

DOC—NOAA

Completed Actions

Timetable:

Action	Date	FR Cite
Merged With 0648-AT95	02/01/06	

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-AR65**532. REGULATORY AMENDMENT TO ADD AND REVISE CERTAIN SPECIES CODES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: This regulatory amendment would add or revise species codes to an existing collection. These changes are done in coordination with Alaska Department of Fish and Game. The species codes currently in use are presented in table 2 to part 679. Code 112, Pacific hake, would be added because fishermen in the EEZ off the coast of Alaska are now catching more of this fish species and need a way to document the weight. Code 702, Big Skate, would be added because State of Alaska and NMFS management need to identify the catch of this species specifically rather than in the miscellaneous code 700, General Skates. Code 932, Opilio Tanner Crab, would be renamed as Snow Tanner Crab because this revised name is more common among the fishing industry. These changes in the species codes are not controversial and are expected to be supported by all interested entities.

Timetable:

Action	Date	FR Cite
NPRM	09/01/05	70 FR 52060
NPRM Comment Period End	10/03/05	
Final Action	12/19/05	70 FR 75080

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

Agency Contact: Robert 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-AR67**533. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE SOUTH ATLANTIC REGION****Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

Abstract: The South Atlantic Fishery Management Council is developing Amendment 6 to refine and revise the management strategy for the various shrimp stocks. A permitting and reporting system will be established for the shrimp fishery of the South Atlantic exclusive economic zone. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, the amendment will revise or establish stock status thresholds and targets including MSY, OY, as well as the "overfished" and "overfishing" definitions for the shrimp species in the management unit. Additional actions will address bycatch reduction in the fisheries, as well as establish bycatch reporting requirements.

Timetable:

Action	Date	FR Cite
Notice	03/07/05	70 FR 10931
Comment Period End	05/06/05	
NPRM	05/27/05	70 FR 30666
NPRM Comment Period End	07/11/05	
Final Action	12/12/05	70 FR 73383

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-AS16**534. MEASURES TO REDUCE INTERACTIONS WITH SEABIRDS IN THE HAWAII-BASED LONGLINE FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	07/13/05	70 FR 40302
NPRM Comment Period End	08/12/05	
Final Action	12/19/05	70 FR 75075

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-AS30**535. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE PRECIOUS CORALS FISHERIES OF THE WESTERN PACIFIC REGION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Merged With 0648-AT95	02/01/06	

DOC—NOAA

Completed Actions

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-AS31**536. FEE SYSTEM FOR REPAYMENT OF THE LOAN TO HARVESTERS OF PACIFIC GROUND FISH FISHERY AND CALIFORNIA, WASHINGTON, AND OREGON FISHERIES FOR DUNGENESS CRAB AND PINK SHRIMP****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1861 a(b) to 1861 a(e)**CFR Citation:** 50 CFR 600**Legal Deadline:** None**Abstract:** This action implements a fee system for repayment of the fishing capacity reduction loans in the Pacific coast groundfish fishery and California, Oregon, and Washington dungeness crab and pink shrimp fisheries.**Timetable:**

Action	Date	FR Cite
NPRM	11/16/04	69 FR 67100
NPRM Comment Period End	12/16/04	
Second NPRM	04/08/05	70 FR 17949
Second NPRM Comment Period End	05/09/05	
Final Action	07/13/05	70 FR 40225
Notice	08/08/05	70 FR 45695
Correction	01/03/06	71 FR 27

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Agency Contact:** Michael L. Grable, Chief, Financial Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2390
Email: michael.grable@noaa.gov**RIN:** 0648-AS38**537. CIVIL PROCEDURES GOVERNING PROSECUTION AND ADMINISTRATIVE PROCEEDINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq; 16 USC 1531 to 1543; 16 USC 1361 to 1407; 16 USC 3371 to 3378; ...**CFR Citation:** 15 CFR 904**Legal Deadline:** None**Abstract:** This rule amends the procedures governing NOAA's administrative proceedings for the assessment of civil penalties, suspension, revocation, modification, or denial of permits, issuance and use of written warnings, and release of forfeiture of seized property.**Timetable:**

Action	Date	FR Cite
NPRM	10/12/04	69 FR 60569
NPRM Comment Period End	12/13/04	
Final Action	03/10/06	71 FR 12440

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Meggan Walls Engelke-Ros, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, 8484 Georgia Avenue, Suite 400, Silver Spring, MD 20910
Phone: 301 427-2202
Fax: 301 427-2211

Email: meggan.engelke-ros@noaa.gov

RIN: 0648-AS54**538. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC MACKEREL****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, July 1, 2005.**Abstract:** NMFS announces the annual harvest guideline for Pacific mackerel in the exclusive economic zone off the Pacific coast. The Coastal Pelagic Species Fishery Management Plan (FMP) and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel based on a formula in the FMP. The intended effect of this action is to establish allowable harvest levels for Pacific

mackerel off the Pacific coast and to minimize the impact on other coastal pelagic fisheries.

Timetable:

Action	Date	FR Cite
NPRM	08/29/05	70 FR 51004
NPRM Comment Period End	09/13/05	
Final Action	10/21/05	70 FR 61235

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-AS59**539. ESTABLISH MANAGEMENT MEASURES FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS BOTTOMFISH FISHERY UNDER THE WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUND FISH FMP****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, February 2005.

Final, Statutory, April 2005.

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

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

Action	Date	FR Cite
Merged With 0648-AT95	02/01/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator,

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Completed Actions

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

Phone: 808 944-2207

RIN: 0648-AS63

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: NPRM, Statutory, April 2005.

Final, Statutory, June 2005.

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

Timetable:

Action	Date	FR Cite
Notice	09/15/05	70 FR 54518
NPRM	09/26/05	70 FR 56157
NPRM Comment Period End	11/10/05	
Comment Period End	11/14/05	
Final Action	12/23/05	70 FR 76216

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-AS66

541. CORRECT AND CLARIFY AMENDMENT 13 AND FRAMEWORK 40-A TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/08/05	70 FR 45628
NPRM Comment Period End	09/07/05	
Final Action	12/27/05	70 FR 76422

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

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

RIN: 0648-AS80

542. FRAMEWORK ADJUSTMENT 41 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would allow greater participation in the Closed Area I Hook Gear Haddock Special Access Program approved under Framework Adjustment 40 A to the Northeast Multispecies FMP. Specifically, limited access vessels would be able to use Category B DAS to target healthy stocks of groundfish (haddock) in an area previously closed to fishing. The intended effect of this action would be

to provide fishing opportunities that would mitigate some of the negative economic and social impacts caused by the effort reductions in Amendment 13.

Timetable:

Action	Date	FR Cite
NPRM	07/18/05	70 FR 41189
NPRM Comment Period End	08/17/05	
Final Action	09/14/05	70 FR 54302

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-AT08

543. REGULATORY AMENDMENT TO THE REEF FISH MANAGEMENT PLAN TO SET COMMERCIAL AND RECREATIONAL MANAGEMENT MEASURES FOR GROUPEL STARTING IN 2006

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. Secretarial Amendment 1 also reduced the quotas for deep-water grouper (DWG) and shallow-water grouper (SWG). The commercial DWG and SWG fisheries were closed on July 15, 2004, and November 15, 2004, respectively. In November 2004, the Gulf of Mexico Fisheries Management Council, at the request of industry, asked NMFS to develop an emergency rule establishing trip limits for the commercial grouper fishery in 2005. Trip limits were implemented by NMFS through emergency rule in March 2005, and will expire in February 2006. These trip limits were implemented to prolong the SWG and DWG fishing seasons in 2005 and

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Completed Actions

reduce the adverse effects associated with derby fishing. However, the emergency trip limits were not restrictive enough to extend the fishing season and reduce the effects of a derby fishery, and resulted in earlier closures to the DWG and SWG fisheries in 2005 (June 23, 2005, and October 10, 2005, respectively). The purpose of this regulatory amendment is to establish more permanent trip limits for the commercial grouper fishery. New trip limits are needed if the Council intends to reduce the adverse socioeconomic effects of derby fishing in the commercial fishery and prolong the commercial grouper fishing season.

Timetable:

Action	Date	FR Cite
NPRM	11/22/05	70 FR 70575
NPRM Comment Period End	12/07/05	
Final Action	12/29/05	70 FR 77057

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-AT12**544. SPECIFICATIONS FOR THE 2006 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 2006 fishing year for the Atlantic mackerel, squid, and butterfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	12/27/05	70 FR 76436
NPRM Comment Period End	01/11/06	
Final Action	03/02/06	71 FR 10612

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**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-AT19**545. SPECIFICATIONS FOR THE 2006 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 implement specifications for the 2006 fishing year for the Atlantic bluefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	12/19/05	70 FR 75111
NPRM Comment Period End	01/03/06	
Final Action	02/24/06	71 FR 9471

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-AT20**546. SPECIFICATIONS FOR THE 2006 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 2006 fishing year.

Timetable:

Action	Date	FR Cite
NPRM	12/15/05	70 FR 74285
NPRM Comment Period End	01/17/06	
Final Action	03/03/06	71 FR 10867

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-AT21**547. FRAMEWORK 1 TO THE SPINY DOGFISH FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: Framework 1 would provide for multiple year specifications for the spiny dogfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	12/01/05	70 FR 72100
NPRM Comment Period End	12/16/05	
Final Action	01/19/06	71 FR 3016

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-AT29**548. RESTRICTIONS FOR 2005 AND 2006 PURSE SEINE AND LONGLINE FISHERIES FOR TUNA IN THE EASTERN TROPICAL PACIFIC OCEAN (ETP)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 951 to 961 ; 16 USC 971 et seq**CFR Citation:** 50 CFR 300**Legal Deadline:** Final, Statutory, July 1, 2005, agreement under IATTC.

Abstract: NMFS announces the 2005 conservation and management measures for international tuna fisheries in the eastern tropical Pacific

DOC—NOAA

Completed Actions

Ocean. These are a six-week closure of purse seine fisheries and a closure of any national longline fishery which reaches a catch level for bigeye tuna equal to the catch made by that fleet in 2001. The intended effect of the rule is to establish prohibition of U.S. vessels purse seine fishing for tuna in the IATTC Convention Area for the November 20 to December 31 period, and to announce that the U.S. longline fishery in the Convention Area will be closed if the catch in 2005 reaches the catch level of 2001. This will conform to the IATTC recommendation that was approved by the Department of State.

Timetable:

Action	Date	FR Cite
NPRM	08/15/05	70 FR 47774
Final Rule	09/02/05	70 FR 52324
NPRM Comment Period End	09/14/05	
Final Action	11/22/05	70 FR 70549

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-AT33**549. TEMPORARY RULE TO ADDRESS HADDOCK BYCATCH IN THE 2005 HERRING FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: Due to concerns regarding the potential for significant increases of bycatch of undersized haddock in the herring fishery, the New England Fishery Management Council voted at its March 29-31, 2005, meeting to request emergency action to implement a haddock incidental catch allowance for Category 1 herring vessels in the 2005 fishing year. This temporary rule would make a haddock incidental catch allowance for the herring fishery effective June—December 2005.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/05	70 FR 34055
Interim Final Rule Comment Period End	07/13/05	
Final Action	12/08/05	70 FR 72934

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-AT36**550. FISHERIES OF THE NORTHEASTERN UNITED STATES; ATLANTIC BLUEFISH AND SUMMER FLOUNDER FISHERIES; STATE QUOTA TRANSFERS AND COMBINATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would amend the regulations implementing the Fishery Management Plan (FMP) for the bluefish fishery and the FMP for the summer flounder, scup, and black sea bass fisheries. This rule would make administrative changes that would allow NMFS to process state quota transfer and combination requests submitted through the end of the fishing year for the bluefish and summer flounder fisheries, i.e., December 31. The intent is to provide flexibility and efficiency to the management of the commercial bluefish and summer flounder fisheries.

Timetable:

Action	Date	FR Cite
NPRM	07/26/05	70 FR 43111
NPRM Comment Period End	08/10/05	
Final Action	09/13/05	70 FR 53969

Regulatory Flexibility Analysis Required: No**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-AT50**551. REMOVE REGULATIONS THAT IMPLEMENT SEASONAL AREA CLOSURES TO GROUND FISH FISHING IN WATERS OFF CAPE SARICHEF AND IN THE CHINIAC GULLY RESEARCH AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: This rulemaking would remove regulations that seasonally close a portion of waters located near Cape Sarichef in the Bering Sea subarea to directed groundfish fishing by vessels using trawl, pot, or hook-and-line gear. NMFS has concluded its research on the effects of commercial fishing on the localized abundance of Pacific cod so this closure is no longer needed. This rule would also remove expired regulations that seasonally closed waters in the Chiniac Gully area to Pacific cod.

Timetable:

Action	Date	FR Cite
NPRM	10/27/05	70 FR 61775
NPRM Comment Period End	11/25/05	
Final Action	01/11/06	71 FR 1698

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

Agency Contact: Robert 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-AT54**552. PACIFIC HALIBUT CATCH SHARING PLAN FOR 2006 AND BEYOND****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 300**Legal Deadline:** None

DOC—NOAA

Completed Actions

Abstract: NMFS proposes to implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) regulatory Area 2A off Washington, Oregon, and California (Area 2A). NMFS proposes to update the tribal season in the Plan to reflect recent IPHC season date-setting trends. NMFS also proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC, which includes the sport fishery management measures for Area 2A, the flexible inseason management provisions in Area 2A, fishery election in Area 2A, and Area 2A non-treaty commercial fishery closed areas. NMFS proposes to codify all but the sport fishery management measures for Area 2A, at 50 CFR part 300, subpart E. These actions are intended to enhance the conservation of Pacific halibut, to protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries, and to provide greater angler opportunity where available.

NMFS also proposes to publish annual management measures for the 2006 Pacific Halibut Fisheries in the waters of the United States and Canada as developed by the IPHC and approved by the Secretary of State. The IPHC develops its regulations under the authority of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	01/30/06	71 FR 4876
NPRM Comment Period End	02/14/06	
Final Action	03/03/06	71 FR 10850

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-AT56

553. ESTABLISH A NEW CONTROL DATE FOR THE COMMERCIAL SPANISH MACKEREL FISHERY IN THE SOUTH ATLANTIC EXCLUSIVE ECONOMIC ZONE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: NPRM, Statutory, September 2005.

Abstract: This notice would inform the industry the South Atlantic Fishery Management Council is considering future action to control the number of participants in the Spanish mackerel fishery of the South Atlantic. The Council has concerns about increasing fishing effort and the possibility of the development of an excess harvesting capacity for the Spanish mackerel fishery of the region. If management measures to limit participation or effort in the fisheries are determined to be necessary, the Council is considering June 15, 2004, as a new control date. The old control date is July 2, 1993. Publication of the control date in the Federal Register will inform the commercial Spanish mackerel fishery the Council is considering potential management measures that would limit the number of participants in the fishery. Anyone entering that fishery after the control date will not be assured of future access should a management regime be implemented that limits the number of participants in the fishery. Establishment of a control date also is intended to discourage new entry into the fisheries based on economic speculation while the Council considers the issues and appropriate remedies. Implementation of any such program would require preparation of an amendment to the respective FMP and publication of a notice of availability and proposed rule with pertinent public comment periods.

Timetable:

Action	Date	FR Cite
Final Action	11/09/05	70 FR 67985

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-AT64

554. CLOSURE OF THE U.S. LONGLINE BIGEYE TUNA FISHERY FOR 2005 IN THE EASTERN TROPICAL PACIFIC OCEAN

Timetable:

Action	Date	FR Cite
Duplicate of 0648-AT33	01/27/06	

RIN: 0648-AT70

555. 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 establish 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 action is necessary to ensure that quotas are based upon the most recent landings information and account for any over- or underharvests from the 2005 first trimester season.

Timetable:

Action	Date	FR Cite
NPRM	10/06/05	70 FR 58366
NPRM Comment Period End	11/07/05	
Final Action	12/01/05	70 FR 72080

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-AT74

DOC—NOAA

Completed Actions

556. 2006 AND 2007 QUOTA SPECIFICATIONS FOR ATLANTIC SURFLAM 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 will specify the allowable quota to be harvested for the 2006 and 2007 fishing years for the surfclam and ocean quahog fisheries. It is expected that the 2005 status quo will be recommended for both surfclams and ocean quahogs.

Timetable:

Action	Date	FR Cite
NPRM	11/01/05	70 FR 65874
NPRM Comment Period End	12/01/05	
Final Action	12/28/05	70 FR 76715

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-AT85**557. FRAMEWORK ADJUSTMENT TO THE BYCATCH REDUCTION CRITERIA 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 additionally 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. The Council is taking this framework action to modify the existing BRD certification criteria. The intent of the 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
Merged With 0648-AT87	02/07/06	

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-AT86**558. CONTROL DATE FOR THE SOUTH ATLANTIC SNAPPER GROUPEL FISHERY****Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1801 et seq; 16 USC 5101 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** None

Abstract: The South Atlantic Fishery Management Council is considering management measures to further limit participation or effort in the commercial snapper grouper fishery in the exclusive economic zone of the South Atlantic. In order to avoid speculative entry into the fishery, the Council is considering establishment of a control date. Anyone entering the fishery after this date may not be assured of future participation in the fishery. This notice announces the control date.

Timetable:

Action	Date	FR Cite
Final Action	10/14/05	70 FR 60058

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

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

RIN: 0648-AT88**559. • CENTRAL GULF OF ALASKA ROCKFISH PILOT PROGRAM****Timetable:**

Action	Date	FR Cite
Duplicate of 0648-AT71	01/27/06	

RIN: 0648-AT90**560. • REGULATORY AMENDMENT TO IMPLEMENT AMENDMENT 69 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE GULF OF ALASKA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: Amendment 69 would amend the manner in which the Total Allowable Catch (TAC) for the "other species" complex is annually determined in the Gulf of Alaska (GOA). As part of the annual harvest specifications the Council would recommend a TAC amount for the "other species" complex at a level less than or equal to 5 percent of the sum of other assessed groundfish targets in the GOA. Additionally, the Maximum Retainable Amount (MRA) of "other species" in the directed arrowtooth fishery would be raised from 0 to 20 percent. By giving the Council the option to set the TAC for "other species" at a lower amount than at present, if a directed fishery developed targeting a single or several species within the "other species" complex the Council would be able to set a TAC amount at a level sufficient to conserve and maintain the sustainability of those species targeted within the "other species" complex.

DOC—NOAA

Completed Actions

Timetable:

Action	Date	FR Cite
Notice	11/16/05	70 FR 69505
NPRM	11/29/05	70 FR 71450
NPRM Comment Period End	01/13/06	
Other/Comment Period End	01/17/06	
Final Action	03/13/06	71 FR 12626

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

Agency Contact: Robert 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-AT92**561. • EFFECTIVENESS AND ENFORCEMENT OF COLLECTION OF INFORMATION REQUIREMENT****Priority:** Routine and Frequent**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660; 50 CFR 902**Legal Deadline:** None

Abstract: The U.S. West Coast Highly Migratory Species Fishery Management Plan (HMS FMP) contained vessel identification requirements subject to the Paperwork Reduction Act (PRA) that, at the time of publication (April 7, 2004, 69 FR 1844) were still undergoing OMB review. This final rule announces the effective date of the requirement recently approved by OMB.

Timetable:

Action	Date	FR Cite
Final Action	11/07/05	70 FR AT97

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

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

Related RIN: Related to 0648-AP42**RIN:** 0648-AT97**562. • REINSTATEMENT OF AMENDMENT 10 ESSENTIAL FISH HABITAT (EFH) CLOSED AREAS UNDER THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN (FMP)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This rule amends current regulatory text regarding boundaries for the essential fish habitat (EFH) closures that were established by Framework 16 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and Framework 39 to the Northeast Multispecies (NE Multispecies) FMP (Joint Frameworks 16/39) in order to reflect recent court orders in *Oceana v. Evans*, Civil Action No. 04-810, (D.D.C., August 2, 2005 and October 6, 2005) vacating such text and reinstating boundaries for EFH closures established by Amendment 10 to the scallop FMP.

Timetable:

Action	Date	FR Cite
Final Action	11/03/05	70 FR 66797

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

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

Related RIN: Related to 0648-AN16, Related to 0648-AR55**RIN:** 0648-AT99**563. • 2005-2006 PACIFIC COAST GROUND FISH SPECIFICATIONS AND MANAGEMENT MEASURES, INCLUDING INSEASON ACTIONS AND CORRECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

Abstract: NMFS proposes a rule to implement revisions to the 2006 commercial and recreational groundfish fishery management measures for

groundfish taken in the U.S. exclusive economic zone (EEZ) off the coasts of Washington, Oregon, and California. Proposed management measures that are new for 2006 are intended to: Achieve but not exceed optimum yields (OYs); prevent overfishing; rebuild overfished species; and reduce and minimize the bycatch and discard of overfished and depleted stocks. NMFS additionally proposes to revise the 2006 darkblotched rockfish OY, at the request of the Pacific Fishery Management Council (Pacific Council), and under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) and the Magnuson-Stevens Act, are intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks. Finally, NMFS announces with this Federal Register document that the coast-wide lingcod stock is no longer considered overfished and is fully rebuilt.

Timetable:

Action	Date	FR Cite
NPRM	12/19/05	70 FR 75115
NPRM Comment Period End	01/15/06	
Final Action	02/17/06	71 FR 8489
Correction	03/27/06	71 FR 15045

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

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115-0070
Phone: 206 526-6150
Fax: 206 526-6426

Related RIN: Related to 0648-AS27**RIN:** 0648-AU00**564. • FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; WESTERN PACIFIC PELAGIC FISHERIES; GUAM LONGLINE FISHING PROHIBITED AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq

DOC—NOAA

Completed Actions

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This regulatory action amends the geographic coordinates that define the longline fishing prohibited area in the U.S. Exclusive Economic Zone around Guam, to correct one of the coordinates.

Timetable:

Action	Date	FR Cite
NPRM	01/20/06	71 FR 3254
NPRM Comment Period End	02/21/06	
Final Action	03/03/06	71 FR 10869

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-AU11

565. • 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 establish 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 action is necessary to ensure that quotas are based upon the most recent landings information and account for any over- or underharvests from the 2005 first trimester season.

Timetable:

Action	Date	FR Cite
NPRM	02/17/06	71 FR 8557
NPRM Comment Period End	03/06/06	
Final Action	03/31/06	71 FR 16243

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-AU17

566. HYDROPOWER/MANDATORY CONDITIONS REVIEW PROCESS (MCRP) RULE

Priority: Other Significant

Legal Authority: 16 USC 811

CFR Citation: 50 CFR 221

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/09/04	69 FR 54615
NPRM Comment Period End	11/08/04	
Merged With	10/11/05	
	0648-AU01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rolland Schmitt, Director, Office of Habitat Conservation, NMFS, Department of Commerce,

National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910-3282

Phone: 301 713-2325

Fax: 301 713-1043

Email: rolland.schmitt@noaa.gov

RIN: 0648-AS55

567. TAKING MARINE MAMMALS INCIDENTAL TO ROCKET LAUNCHES FROM THE KODIAK LAUNCH COMPLEX, KODIAK ISLAND, ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	11/05/01	66 FR 55909
ANPRM Comment Period End	12/05/01	
NPRM	10/29/04	69 FR 63114
NPRM Comment Period End	12/13/04	
Final Action	01/26/06	71 FR 4297

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

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

Phone: 301 713-2322

Fax: 301 713-0376

DOC—NOAA

Completed Actions

Email: ken.hollingshead@noaa.gov

RIN: 0648-AP62

568. LIST OF FISHERIES FOR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 229

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/02/04	69 FR 70094
NPRM Comment Period End	01/03/05	
Comment Period Extended	01/05/05	70 FR 776
Comment Period Extended	08/25/05	70 FR 49902
Final Action	01/04/06	71 FR 247

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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

RIN: 0648-AS78

569. THREATENED STATUS FOR SOUTHERN RESIDENT KILLER WHALES

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 224

Legal Deadline: NPRM, Judicial, December 17, 2004.

Abstract: NMFS has completed an update on the status review of Southern Resident killer whales under the Endangered Species Act and is seeking to list this distinct population segment as threatened. After considering public comments, NMFS determined that this DPS is endangered.

Timetable:

Action	Date	FR Cite
Notice	03/02/04	69 9809
NPRM	12/22/04	69 FR 76673
NPRM Comment Period End	03/22/05	
Final Action	11/18/05	70 FR 69903

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lecky James H., 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-AS95

570. TAKING MARINE MAMMALS INCIDENTAL TO OPERATION OF OFFSHORE OIL PRODUCTION FACILITIES IN BEAUFORT SEA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1371 et seq

CFR Citation: 50 CFR 200 to 210

Legal Deadline: None

Abstract: NOAA Fisheries is amending its regulations governing the taking of marine mammals incidental to operations at the Northstar oil production facility in the U.S. Beaufort Sea off Alaska. These revised regulations authorize the incidental, but not intentional, taking of small numbers of six species of marine mammals in the event that such taking occurred during the operation of the Northstar facility. Takings are limited to harassment and no injury or mortality of marine mammals is anticipated. Potential effects on native subsistence could result also from direct actions of oil development upon the biological resources or from associated changes in human behavior.

As a result, in compliance with regulations, mitigation measures have been implemented that mitigate impacts on subsistence uses of marine resources.

Timetable:

Action	Date	FR Cite
NPRM	07/25/05	70 FR 42520
NPRM Comment Period End	08/24/05	
Final Action	03/07/06	71 FR 11314

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

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

Related RIN: Related to 0648-AM09

RIN: 0648-AS98

571. PROPOSED THREATENED STATUS FOR SOUTHERN DISTINCT POPULATION SEGMENT OF NORTH AMERICAN GREEN STURGEON

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 223

Legal Deadline: NPRM, Judicial, April 1, 2005, District Court remanded "not warranted" determination to NMFS. Due to a court remand of our "not warranted" determination.

Abstract: This is a rule to list the Southern Distinct Population Segment (DPS) of green sturgeon as threatened under the Endangered Species Act. We conclude that the Southern DPS is not endangered because of actions being taken that provide some possible benefits to the DPS. However, the Southern DPS is threatened based on: (1) The reduction of potential spawning habitat; (2) the threats to the single remaining spawning population remaining severe and unlikely to be sufficiently alleviated by conservation measures currently in place; and (3) the downward trend of sturgeon salvage estimates from State (1968-2003) and Federal (1980-2003) facilities. The Northern DPS is neither endangered nor threatened, but remaining uncertainties have led us to retain the

DOC—NOAA

Completed Actions

DPS on the “species of concern” list. Section 4(d) provides that the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of threatened species. We intend to publish a regulation under section 4(d) for the conservation of the Southern DPS of green sturgeon. We also may designate critical habitat, as long as we find that it is both prudent and determinable.

Timetable:

Action	Date	FR Cite
NPRM	04/06/05	70 FR 17386
Public Hearing	06/20/05	70 FR 35391
NPRM Comment Period End	07/05/05	
NPRM Comment Period Extended	07/06/05	70 FR 38861
Final Rule	04/07/06	71 FR 17757

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lecky James H., 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–AT02

572. MARINE MAMMALS; SUBSISTENCE TAKING OF NORTHERN FUR SEALS; HARVEST ESTIMATES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1151 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 216.72

Legal Deadline: None

Abstract: Pursuant to the regulations governing the subsistence taking of northern fur seals, this action summarizes the annual fur seal subsistence harvests on St. George and St. Paul Islands (the Pribilof Islands) for 2002 to 2004 and proposes annual estimates of fur seal subsistence needs for 2005 through 2007 on the Pribilof Islands, Alaska. NMFS solicits public comments on the proposed estimates.

Timetable:

Action	Date	FR Cite
NPRM	07/18/05	70 FR 41187

Action	Date	FR Cite
NPRM Comment Period End	08/17/05	
Final Action	02/16/06	71 FR 8222

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Tribal

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

Related RIN: Related to 0648–AO40

RIN: 0648–AT49

573. ● SEA TURTLE REQUIREMENTS FOR COMMERCIAL SHRIMP FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531–1543; 16 USC 1361 et seq

CFR Citation: 50 CFR 223

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	10/27/05	70 FR 61911
Final Rule	11/29/05	70 FR 71406
Final Rule	12/29/05	70 FR 77054
Final Rule	02/22/06	71 FR 8990

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, 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–AT89

574. ● SEA TURTLE REQUIREMENTS FOR COMMERCIAL SHRIMP FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 to 1543; 16 USC 1381 et seq

CFR Citation: 50 CFR 223

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	10/14/05	70 FR 60013

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

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
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RIN: 0648–AT96

575. ● ENDANGERED AND THREATENED SPECIES: FINAL PROTECTIVE REGULATIONS FOR THREATENED UPPER COLUMBIA RIVER STEELHEAD

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 223

Legal Deadline: None

Abstract: National Marine Fisheries Service (NMFS) is extending the

DOC—NOAA

Completed Actions

protective regulations for threatened West Coast salmon and steelhead to Upper Columbia River steelhead. Upper Columbia River steelhead were previously listed as endangered in 1997 and were afforded the take prohibitions under the Endangered Species Act (ESA). On January 5, 2006, the listing status of Upper Columbia River steelhead was changed to threatened. We have determined that the existing protective regulations for threatened

West Coast salmonids are necessary and advisable for the conservation of Upper Columbia River steelhead.

Timetable:

Action	Date	FR Cite
Final Action	02/01/06	71 FR 5178

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
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Fax: 301-427-2523
Email: marta.nammack@noaa.gov

Related RIN: Related to 0648-AR93

RIN: 0648-AU18

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

Prerule Stage

576. • REGULATIONS GOVERNING DUTY OF DISCLOSURE IN PATENT APPLICATIONS AND THE DOCTRINE OF INEQUITABLE CONDUCT

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	05/00/06	

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, US Patent & 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

577. CHANGES TO REPRESENTATION OF OTHERS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Professional Conduct of the American Bar Association.

Timetable:

Action	Date	FR Cite
NPRM	12/12/03	68 FR 66648
NPRM Comment Period End	02/12/04	
Notice	03/03/04	69 FR 9986
Comment Period End	06/11/04	
Final Action – Part I	06/24/04	69 FR 35428
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	
Final Action – Part II	10/00/06	

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

578. REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2007

Priority: Substantive, Nonsignificant

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

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

DOC—PTO

Proposed Rule Stage

Legal Deadline: Final, Statutory, October 1, 2006.

Abstract: This rulemaking revises certain patent and trademark fees to reflect fluctuations in the Consumer Price Index (CPI) consistent with PL105-358, as amended by PL108-447.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	
NPRM Comment Period End	06/00/06	
Final Action	08/00/06	
Final Action Effective	10/00/06	

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: 571 273-6500

Email: tamara.mcclure@uspto.gov

RIN: 0651-AB81

579. AMENDMENT OF RULES FOR FILING INTENT TO USE DOCUMENTS IN SECTION 1(B) APPLICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1123; 35 USC 2

CFR Citation: 37 CFR 2.76; 37 CFR 2.87 to 2.89

Legal Deadline: None

Abstract: The Office amends the rules to (1) change the deadline for filing second and subsequent requests for extensions of time to file a statement of use under section 1(d)(2) of the Trademark Act, 15 USC 1051(d)(2), from six months to one year; and (2) simplify and clarify procedures pertaining to the filing of intent-to-use documents in applications under section 1(b) of the Act, 15 U.S.C. 1051(b).

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	
NPRM Comment Period End	06/00/06	
Final Action	09/00/06	
Final Action Effective	10/00/06	

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

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Email: mary.hannon@uspto.gov

RIN: 0651-AB90

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

Priority: Other Significant

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

CFR Citation: 37 CFR Part 1

Legal Deadline: None

Abstract: The Office revises the rules of practice to share the burden of examining an application if the applicant has filed multiple continuing applications or multiple requests for continued examination. The revised rules would require that second or subsequent continuation applications and second or subsequent requests for continued examination of an application include a showing as to why the amendment, argument, or evidence presented was not previously submitted. The revised rules would also ease the burden of examining multiple applications that have the same effective filing date, overlapping disclosure, a common inventor, and common assignee by requiring that all patentably indistinct claims in such applications be submitted in a single application absent good and sufficient reason. These changes would allow the Office to apply the patent examining resources currently absorbed by multiple continuing applications and requests for continued examination that simply recycle earlier applications to the examination of new applications and thus allow the Office to reduce the backlog of unexamined applications. This will mean faster more efficient examination for the typical applicant without any additional work on the applicant's part but a small minority of applicants who consume a disproportionate share of Agency resources will be required to share the burden they place on the Agency.

Timetable:

Action	Date	FR Cite
NPRM	01/03/06	71 FR 48
NPRM Comment Period End	05/03/06	

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-AB93

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

Priority: Other Significant

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

CFR Citation: 37 CFR Part 1

Legal Deadline: None

Abstract: A small but significant minority of applications contain an excessive number of claims, which makes effective examination of such applications problematic. The U.S. Patent and Trademark Office (Office) revises the rules of practice to share the burden of examining applications containing an excessive number of claims. Specifically, the Office amends the rules to provide that if an application contains more than ten independent claims, the applicant must provide a patentability report that covers all of the independent claims in the application. In addition, the Office amends the rules to provide that the Office will give a separate examination only to those dependent claims expressly elected for separate examination, and that the applicant must provide a patentability report that covers all of the independent claims and elected dependent claims in the application if the number of independent claims plus the number of dependent claims elected for examination is greater than ten. The changes would allow the Office to apply the patent examining resources currently absorbed by applications that contain an excessive number of claims to the examination of new applications, and thus allow the Office to reduce the

DOC—PTO

Proposed Rule Stage

backlog of unexamined applications. This would mean faster more effective examination for the typical applicant without any additional work on the applicant's part, but a small minority of applicants who consume a disproportionate share of agency resources will be required to share the burden they place on the agency.

Timetable:

Action	Date	FR Cite
NPRM	01/03/06	71 FR 61
NPRM Comment Period End	05/03/06	

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

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RIN: 0651-AB94

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

Priority: Other Significant

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) amends its regulations on information disclosure statement (IDS) requirements and other related matters to improve the quality and efficiency of the examination process. These changes would enable the examiner to focus in on the relevant portions of submitted prior art at the very beginning of the examination process, give higher quality first actions, and minimize wasted steps. This action would make the following changes relating to submissions of IDS's by applicants: impose a requirement for the personal review of, and to provide information about, certain citations; eliminate the fees for, but permit only timely, IDS submissions; and only permit the filing of an IDS after the mailing of a notice of allowance if a claim is admitted to be unpatentable and a narrowing amendment is also submitted. The Office would also

permit third parties to submit prior art up until the mailing of a notice of allowance after application publication; to no longer permit an IDS to meet the submission requirement for a request for continued examination (RCE); to permit, after payment of the issue fee, certain amendments and petitions so applicants will not have to file a continuation application or an RCE for such items; and to revise the protest rule to better set forth options that applicants have for dealing with unsolicited information received from third parties.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

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

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Email: robert.bahr@uspto.gov

RIN: 0651-AB95

583. ● INTERIM GUIDELINES FOR EXAMINATION OF PATENT APPLICATIONS FOR PATENT SUBJECT MATTER ELIGIBILITY

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2) and 101

CFR Citation: None

Legal Deadline: None

Abstract: The U.S. Patent and Trademark Office (USPTO) has, in response to recent case law, revised its guidelines to be used by USPTO personnel in their review of patent applications to determine whether the claims in a patent application are directed to patent eligible subject matter. The USPTO is requesting comments from the public regarding these interim examination guidelines.

Timetable:

Action	Date	FR Cite
Notice	12/20/05	70 FR 75451
Comment Period End	06/30/06	
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 0651-AB98

584. ● 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	06/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert W. Bahr, Department of Commerce, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313
Phone: 571 272-8800

DOC—PTO

Proposed Rule Stage

Email: robert.bahr@uspto.gov

RIN: 0651-AC00

585. • CHANGES TO ELIMINATE THE DISCLOSURE DOCUMENT PROGRAM

Priority: Substantive, Nonsignificant

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

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The U.S. Patent and Trademark Office (Office) implemented the Disclosure Document Program in 1969 in order to provide an alternative to form of evidence of conception of an invention to, for example, a “self-addressed envelope” containing a disclosure of an invention. It appears, however, that few, if any, inventors obtain any actual benefit from a disclosure document, and some inventors who use the Disclosure Document Program believe that they are actually filing an application for a patent. In addition, a provisional application for patent affords better benefits and protection to inventors than a Disclosure Document. Therefore, the Office is proposing to eliminate the Disclosure Document Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert W Bahr, Department of Commerce, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313
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Email: robert.bahr@uspto.gov

RIN: 0651-AC01

586. • CHANGES TO IMPLEMENT PREEXAMINATION SEARCH REPORTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The U.S. Patent and Trademark Office (Office) has

established a 21st Century Strategic Plan to transform the Office into a quality-focused, highly productive, responsive organization supporting a market-driven intellectual property system. The 21st Century Strategic Plan addresses patent pendency through (inter alia) the continued aggressive hiring of examining staff and the exploitation of search reports from other intellectual property (IP) authorities and from commercial search contractors. The Office is concerned that the aggressive hiring of examining staff and exploitation of search reports from others may be insufficient to address patent pendency in the near future, for example, due to limits on the volume of new examiners that can realistically be absorbed and restrictions on the Office's ability to obtain search reports from commercial search contractors. Therefore, the Office is exploring requiring applicants to provide a preexamination search report. The Office anticipates that if applicants provide preexamination reports, the examination of applications will be better streamlined and more focused thereby resulting in higher quality and more timely issued patents. Because applicants are, generally, in the unique position of possessing the greatest knowledge of their claimed invention and, in many instances, an extensive knowledge of the prior art most pertinent to their claimed invention, requiring applicants to share this knowledge and expertise with the Office is highly conducive to achieving the common goal of the Office and the public, namely high quality patents. Further, the need to focus unduly broad claims will become apparent to the applicant through the process of providing a preexamination search report. In addition, with a preexamination search report, examiners will begin the examination process with a greater understanding of the claimed invention and with, perhaps, the best prior art already available.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

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, Mail Stop Comments-Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313
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RIN: 0651-AC03

587. • 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	06/00/06	
NPRM Comment Period End	07/00/06	
Final Action	09/00/06	
Final Action Effective	10/00/06	

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
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RIN: 0651-AC05

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

Final Rule Stage

588. 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	
Final Action	05/00/06	
Final Action Effective	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James David Sams, Chief Administrative Trademark Judge, Department of Commerce, Patent and Trademark Office, Trademark Trial and Appeal Board, 600 Dulany Street, Alexandria, VA 22313
 Phone: 571 272-4304
 Email: david.sams@uspto.gov

RIN: 0651-AB56

589. • 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	
Interim Final Rule Comment Period End	04/24/06	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651-AC02

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

Long-Term Actions

590. 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

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RIN: 0651-AB75

591. REVISION OF EX PARTE AND INTER PARTES REEXAMINATION PRACTICE
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

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RIN: 0651-AB77

592. CHANGES TO IMPLEMENT THE REFUND PROVISIONS OF THE UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2004
Priority: Substantive, Nonsignificant

CFR Citation: 37 CFR 1
Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35571
NPRM Comment Period End	08/22/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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DOC—PTO

Long-Term Actions

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

RIN: 0651-AB79

593. AMENDMENT OF TRADEMARK RULES OF PRACTICE

Priority: Substantive, Nonsignificant

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651-AB89

594. 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

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RIN: 0651-AB91

595. 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

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RIN: 0651-AB92

596. 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

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RIN: 0651-AB96

597. 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

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RIN: 0651-AB97

598. • REVISION TO THE TIME FOR REQUIRED FILING OF A BIOLOGICAL DEPOSIT AND TO THE DATE OF AVAILABILITY OF THE BIOLOGICAL DEPOSIT

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2(b)(2) and 122

CFR Citation: 37 CFR Part 1

Legal Deadline: None

Abstract: This section changes the rules of practice to require that any deposit of biological material be made before publication of a patent application, and that all restrictions on access to the deposited material imposed by the depositor be removed upon publication. The changes will provide that the public has access to biological materials referenced in the disclosure of a patent application to the same extent that access to the remainder of the disclosure is available. When any item is referenced in the disclosure of a patent application publication or patent, then a special circumstance exists that warrants release of the referenced item. The public policy basis for allowing access to a referenced item is the same whether the item is another patent application or a deposited biological material.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651-AB99

Department of Commerce (DOC)
Patent and Trademark Office (PTO)
Completed Actions
599. CHANGES TO IMPLEMENT THE COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT (CREATE) ACT OF 2004
Priority: Other Significant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1**Legal Deadline:** None

Abstract: The Cooperative Research and Technology Enhancement (CREATE) Act of 2004 amends the patent laws to provide that subject matter developed by another person shall be considered treated as owned by the same person or subject to an obligation of assignment to the same person for purposes of determining obviousness if the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made, and the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement. The CREATE Act of 2004 also requires that the application for patent for the claimed invention disclose or be amended to disclose the names of the parties to the joint research agreement. The U.S. Patent and Trademark Office (Office) would in this action change its rules of practice in patent cases to implement the CREATE Act of 2004.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/05	70 FR 1818
Interim Final Rule Comment Period End	02/10/05	
Final Action	09/14/05	70 FR 54259
Final Action Effective	09/14/05	

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

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RIN: 0651-AB76
600. PROVISIONS FOR CLAIMING THE BENEFIT OF A PROVISIONAL APPLICATION WITH A NON-ENGLISH SPECIFICATION AND OTHER MISCELLANEOUS MATTERS
Priority: Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1, 3 and 10**Legal Deadline:** None

Abstract: The U.S. Patent and Trademark Office (Office) amends its rules of practice to allow a person acting with limited recognition to be given a power of attorney and authorized to sign amendments and other correspondence respecting patent applications, reexamination proceedings, and other proceedings. A person granted limited recognition is not a registered patent attorney or agent. Instead, such a person is either: one who has been authorized by the Director of the Office of Enrollment and Discipline to prosecute as attorney or agent one or more specified patent application or other patent proceedings (e.g., a parent of a child inventor); or

a nonimmigrant alien residing in the United States with an appropriate visa. Furthermore, the Office amends its rules of practice to require that: A copy of the English translation of a foreign-language provisional application be filed in the provisional application if a non-provisional application claims the benefit of the provisional application; a copy of documentary evidence supporting a claim of ownership be recorded in the Office's assignment records when an assignee takes action in a patent matter; and separate copies of a document be submitted to the Office for recording in the Office's assignment records, each accompanied by a cover sheet, if the document to be recorded includes an interest in, or a transaction involving, both patents and trademarks.

Timetable:

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17629
NPRM Comment Period End	06/06/05	
Final Action	09/26/05	70 FR 56119
Final Action Effective	11/25/05	

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

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Related RIN: Related to 0651-AB63**RIN:** 0651-AB85
Department of Commerce (DOC)
Technology Administration (TA)
Completed Actions
601. LICENSING OF GOVERNMENT-OWNED INVENTIONS
Priority: Substantive, Nonsignificant**Legal Authority:** 35 USC 208**CFR Citation:** 37 CFR 404**Legal Deadline:** None

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

federally owned inventions. It also streamlines the licensing procedures to focus primarily on statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/07/05	70 FR 1403
Final Action	03/08/06	71 FR 11510
Final Action Effective	04/07/06	

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

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Completed Actions

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RIN: 0692-AA19

[FR Doc. 06-2468 Filed 04-21-06; 8:45 am]

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