



# Federal Register

---

**Monday,  
October 31, 2005**

---

**Part IV**

**Department of  
Commerce**

---

**Semiannual Regulatory Agenda**

**DEPARTMENT OF COMMERCE (DOC)**

**DEPARTMENT OF COMMERCE**

**Office of the Secretary**

**13 CFR Ch. III**

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

**19 CFR Ch. III**

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

**48 CFR Ch. 13**

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

**Fall 2005 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 whether they are prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 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 fall 2005 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2005, through September 30, 2006.

**FOR FURTHER INFORMATION CONTACT:**

*Specific:* For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

*General:* Comments or inquiries of a general nature about the agenda should be directed to Daniel Cohen, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-482-3151.

**SUPPLEMENTARY INFORMATION:** Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of June 28, 2005, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2005 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 that contains a brief description of the subject area of any rule that 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 largest 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, that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing can be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

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

The Department’s fall 2005 regulatory agenda follows.

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

**Bureau of Economic Analysis—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
456	Change in Reporting Requirements for BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate .....	0691-AA57
457	Change in Reporting Requirements for BE-11, Annual Survey of U.S. Direct Investment Abroad .....	0691-AA58
458	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
459	International Services Surveys: Cancellation of Five Annual Surveys .....	0691-AA59

## Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
460	Annual Trade Survey .....	0607-AA45

## Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
461	Cutoff Dates for Recognition of Boundary Changes for Census 2000 and for the Intercensal Period .....	0607-AA35
462	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
463	Establishment of the 2010 Census Redistricting Program .....	0607-AA42

## Bureau of the Census—Completed Actions

Sequence Number	Title	Regulation Identifier Number
464	Requirement for Reporting the Kimberley Process Certificate Number for Exports (Reexports) of Rough Diamonds	0607-AA44

## Economic Development Administration—Final Rule Stage

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

## General Administration—Final Rule Stage

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

## General Administration—Completed Actions

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

## DOC

## General Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
468	Disclosure of Government Information; Change in Designated Official .....	0605-AA20

## International Trade Administration—Proposed Rule Stage

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

## International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
470	Steel Import Monitoring and Analysis System .....	0625-AA64
471	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
472	Changes in the Insular Possessions Watch, Watch Movement, and Jewelry Programs .....	0625-AA68
473	Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders .....	0625-AA69

## International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
474	Commercial Availability of Fabric and Yarn .....	0625-AA59
475	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
476	Import of Certain Worsted Wool Fabric: Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000 .....	0625-AA58

## Bureau of Industry and Security—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
477	Short Supply Controls: Crude Oil Exports .....	0694-AC25
478	Additional Protocol Regulations .....	0694-AD26
479	Export Administration Regulations: Clarifications to Deemed Export and Reexport Policy .....	0694-AD29
480	Removal of License Exception GBS and TSR Eligibility for Certain Microwave Monolithic Integrated Circuit Power Amplifiers and Related Software and Technology .....	0694-AD36
481	Chemical Weapons Convention Regulations: UDOC "Change in Inspection Status Form" .....	0694-AD53
482	Voluntary Disclosure Provisions and Administrative Case Settlement Guidance Related to Restrictive Trade Practices or Boycotts .....	0694-AD63

## DOC

## Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
483	Chemical Weapons Convention Regulations .....	0694-AB06
484	De Minimis Expansion of Eligibility: U.S.-Origin Software Incorporated Into Foreign-Made Commodities .....	0694-AC17
485	License Exception AVS: Clarifications .....	0694-AC33
486	Clarifications to Part 752: Special Comprehensive License Requirements .....	0694-AC34
487	Removal of Licensing Exemption for Exports and Reexports of Missile Technology-Controlled Items Destined to Canada .....	0694-AC48
488	Export and Reexport Controls on Iraq .....	0694-AC84
489	Knowledge Definition, Safe Harbor, Red Flags .....	0694-AC94
490	Clarification of "Space-Qualified" Parts, Components, and Technology Subject to the Export Administration Regulations .....	0694-AD07
491	Cuba: Clarification of Personal Baggage Rules .....	0694-AD23
492	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
493	Revisions and Clarifications to the Export Administration Regulations .....	0694-AD30
494	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
495	Removal of Certain Night Vision Devices From Eligibility for License Exception APR for Reexports To, From, and Among Country Group A:1 .....	0694-AD34
496	Revisions and Clarification of License Exception Availability for Certain Crime Control Items and Removal of License Requirements on Other Crime Control Items .....	0694-AD47
497	Revisions to the Import Certificate Requirements in the Export Administration Regulations .....	0694-AD50
498	Expansion of Requirement of People's Republic of China (PRC) End-User Certificates under the EAR; Elimination of Submission Requirement .....	0694-AD52
499	Technical Amendments to the Export Administration Regulations .....	0694-AD54
500	Revisions and Clarifications to the Export Administration Regulations .....	0694-AD55
501	Removal of Restriction on Certain Exports of Crime Control Commodities When Being Exported for Official Use of U.S. Government Agencies .....	0694-AD56
502	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
503	Implementation of the Understandings Reached at the 2004 Goteborg and 2005 Oslo Nuclear Supplier Group (NSG) Plenary Meetings .....	0694-AD58
504	Conforming Changes to Certain End-User/End-Use Based Controls in the EAR; Clarification of Export Clearance Requirements under the EAR .....	0694-AD59
505	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
506	Revision of National Security Based License Requirements and Licensing Policy, Increased Availability of License Exceptions for Certain NATO Member States .....	0694-AD61
507	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

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

Sequence Number	Title	Regulation Identifier Number
508	Export Administration Regulations: Support Documentation Consolidation and Reorganization .....	0694-AC04
509	Exports and Reexports to Sudan .....	0694-AC05
510	Expansion of License Exception GOV; Exports and Reexports to International Organizations .....	0694-AC15
511	Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications Via BIS's Simplified Network Application Process (SNAP) .....	0694-AC20
512	Revision to the Export Administration Regulations: Replacement Licenses .....	0694-AC23
513	Chemical Weapons Convention: Revisions to the Export Administration Regulations .....	0694-AC35
514	General Order Providing for Notification of License Requirement .....	0694-AC47
515	License Exception APR for Reexports To, From, and Among Countries in Country Group A:1 .....	0694-AC69
516	Revisions to License Exception TSR: Expansion to Scope of Eligible Countries .....	0694-AC71
517	Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the United States Munitions List .....	0694-AC74
518	Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices .....	0694-AC82
519	Export Administration Regulations: Removal of Country Groups .....	0694-AD09

## DOC

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

Sequence Number	Title	Regulation Identifier Number
520	Implementation of the Wassenaar Arrangement Statement of Understanding on the Control of Non-Listed Dual-Use Items .....	0694-AD10
521	Export Administration Regulations: Establish Special Intra-Company License (SIL) .....	0694-AD22

## Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identifier Number
522	Adding Systems, Including Cameras, Incorporating Non-Space Qualified Non-Linear (2-Dimensional), Infrared Focal Plane Arrays Based on Silicon (Including Silicon-Germanium) Microbolometer Materials .....	0694-AD06
523	Revision of Export and Reexport Restrictions on Libya .....	0694-AD14
524	Amendments to the Export Administration Regulations (EAR) Implementing the "Catch-All" Provisions in the Australia Group (AG) "Guidelines for Transfers of Sensitive Chemical or Biological Items" .....	0694-AD15
525	Licensing Policy for Entities Sanctioned Under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau .....	0694-AD24
526	Exports of Nuclear-Grade Graphite: Change in Licensing Jurisdiction .....	0694-AD28
527	Expansion of the Country Scope of the License Requirements That Apply to Chemical/Biological (CB) Equipment and Related Technology; Amendments to CB-Related End-User/End-Use and U.S. Person Controls .....	0694-AD37
528	Removal of Advisory Notes .....	0694-AD39
529	Editorial Corrections to Part 730 of the Export Administration Regulations .....	0694-AD40
530	December 2004 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5 Part I (Telecommunications), 6, 7, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirement .....	0694-AD41
531	Entity List—India: Reduction in Scope of Items That Require a License for End-Users Subject to International Atomic Energy Agency (IAEA) Safeguards .....	0694-AD44
532	Technical Corrections to the Export Administration Regulations .....	0694-AD46
533	Revision of Telephone Numbers, Addresses, and Nomenclature Change and Removal of Redundant Reporting Requirement .....	0694-AD48
534	Restrictions on Exports and Reexports to China (and Transfers Within China) of Certain Items Intended for Military End-Uses .....	0694-AD49
535	Implementation of the Understandings Reached at the April 2005 Australia Group (AG) Plenary Meeting .....	0694-AD51

## National Institute of Standards and Technology—Final Rule Stage

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

## National Institute of Standards and Technology—Completed Actions

Sequence Number	Title	Regulation Identifier Number
537	Draft Federal Information Processing Standard (FIPS) 201, Personal Identification Verification for Federal Employees and Contractors .....	0693-AB54
538	Fastener Quality Act .....	0693-AB55

## National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
539	Amendment 12 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region .....	0648-AL67

## DOC

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

Sequence Number	Title	Regulation Identifier Number
540	Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region .....	0648-AM98
541	Amendment 18A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico .....	0648-AN09
542	Measures to Prevent or Mitigate and Conserve, Manage, and Allow Full Utilization of Sharks .....	0648-AN76
543	Revision of American Lobster Regulations for the EEZ .....	0648-AP18
544	Regulatory Amendment To Implement Permit Stacking in the Limited-Entry Fixed-Gear Sablefish Fishery in 2005 and Beyond .....	0648-AP38
545	Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean .....	0648-AP51
546	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9 .....	0648-AP60
547	Implementation of the Regulatory Changes Resulting From the Amendments and Extension of the South Pacific Tuna Act .....	0648-AP61
548	Amendment 71A to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area .....	0648-AP67
549	Regulatory Amendment to Section 679 Permits or Permit-Related Issues .....	0648-AQ07
550	Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs .....	0648-AQ20
551	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
552	Amendment 1 to the Atlantic Herring Fishery Management Plan .....	0648-AQ87
553	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
554	Regulatory Rulemaking To Revise Accounting for Externally Tagged Halibut and Sablefish .....	0648-AR09
555	Catcher Vessel Electronic Report .....	0648-AR30
556	Atlantic Striped Bass Fisheries in the EEZ; Modification of Federal Regulations .....	0648-AR33
557	Amendment 13B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region .....	0648-AR38
558	Maximize Retention and Monitoring Program in the Shorebased Pacific Whiting Fishery .....	0648-AR63
559	Amendment 8 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region .....	0648-AR65
560	Regulatory Amendment to Add and Revise Certain Species Codes .....	0648-AR67
561	Amendment 72 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska .....	0648-AR72
562	Revisions to the Definitions of Exempted Fishing and Scientific Research .....	0648-AR78
563	Individual Fishing Quota for Guided Recreational Charter Halibut Fishery .....	0648-AR96
564	Fish and Seafood Promotion Act Provisions; Seafood Marketing Councils .....	0648-AS09
565	Community Development Quota Regulatory Amendment To Modify Several Fishery Management Elements of the CDQ Program .....	0648-AS13
566	Amendment 13 to Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters .....	0648-AS15
567	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery .....	0648-AS22
568	Amendment 1 to the Fishery Management Plan for the Tilefish Fishery .....	0648-AS25
569	Regulatory Amendment To Establish Measures Authorizing the Optional Use of Electronic Logbook Forms in the Western Pacific Fisheries .....	0648-AS29
570	Amendment 6 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region ...	0648-AS31
571	Atlantic Highly Migratory Species (HMS); Reducing Sea Turtle Takes .....	0648-AS49
572	Establish Management Measures for the Commonwealth of the Northern Mariana Islands Bottomfish Fishery Under the Western Pacific Bottomfish and Seamount Groundfish FMP .....	0648-AS63
573	Revise Precious Coral Measures To Increase the Protection of Black Coral Resources in Hawaii .....	0648-AS64
574	Generic Amendment to Provide for Regulations of Offshore Aquaculture of Selected Fish .....	0648-AS65
575	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
576	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
577	Amendment 25 to the Reef Fish Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico .....	0648-AS68
578	Amendment 17 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic .....	0648-AS70
579	Establish Management Measures for the Western Pacific Squid Fishery .....	0648-AS71
580	Amendment to Regulations Implementing the Antarctic Marine Living Resources Convention Act of 1984 .....	0648-AS75
581	Individual Fishing Quota Program; Restructure Date-Specific Quota Share Regulations .....	0648-AS77
582	Halibut and Sablefish IFQ Program Amendments .....	0648-AS84
583	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
584	Identify and Manage Alaska Fishery Management Plans for EFH and HAPC .....	0648-AT09

## DOC

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

Sequence Number	Title	Regulation Identifier Number
585	Amendment 11 to the Coastal Pelagic Species Fishery Management Plan .....	0648-AT11
586	Regulatory Amendment to the Reef Fish Management Plan To Set Commercial and Recreational Management Measures for Grouper Starting in 2006 .....	0648-AT12
587	Transfer of Management Authority for the Atlantic Coast Red Drum Resource From the South .....	0648-AT13
588	Specifications for the 2006 Atlantic Mackerel, Squid, and Butterfish Fisheries .....	0648-AT19
589	Specifications for the 2006 Atlantic Bluefish Fishery .....	0648-AT20
590	Specifications for the 2006 Atlantic Herring Fishery .....	0648-AT21
591	Specifications for the 2006 Monkfish Fishery .....	0648-AT22
592	Framework 42 to the Northeast Multispecies Fishery .....	0648-AT24
593	Framework 18 to the Atlantic Sea Scallop Fishery .....	0648-AT25
594	Framework 16 to the Summer Flounder, Scup, and Black Sea Bass Fisheries .....	0648-AT26
595	Specifications for the 2006 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries .....	0648-AT27
596	Specifications for the 2006 Recreational Fisheries for Summer Flounder, Scup, and Black Sea Bass .....	0648-AT28
597	Framework 1 to the Spiny Dogfish Fishery Management Plan .....	0648-AT29
598	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission .....	0648-AT31
599	West Coast Highly Migratory Species, Correcting Amendment .....	0648-AT32
600	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures .....	0648-AT37
601	Individual Fishing Quota (IFQ) Cost Recovery Program Amendments .....	0648-AT43
602	Remove Regulations that Implement Seasonal Area Closures to Groundfish Fishing in Waters off Cape Sarichef and in the Chiniak Gully Research Area .....	0648-AT54
603	Management Measures for Pacific Bigeye Tuna .....	0648-AT55
604	Pacific Halibut Catch Sharing Plan for 2006 and Beyond .....	0648-AT56
605	Omnibus Amendments to Fishery Management Plans to Address Essential Fish Habitat .....	0648-AT57
606	Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan .....	0648-AT58
607	Specifications for the 2006/2007 Fishing Year for the Spiny Dogfish Fishery .....	0648-AT59
608	Specifications for the 2007 Fishing Year for the Summer Flounder, Scup, and Black Sea Bass Fisheries .....	0648-AT60
609	Specifications for the 2007 Fishing Year for the Surfclam and Ocean Quahog Fishery .....	0648-AT61
610	Framework 1 to the Surfclam and Ocean Quahog Fishery Management Plan .....	0648-AT62
611	Specifications for the 2007 Fishing Year for the Tilefish Fishery .....	0648-AT63
612	Specifications for the 2007 Fishing Year for the Atlantic Mackerel, Squid, and Butterfish Fisheries .....	0648-AT65
613	Specifications for the 2007 Fishing Year for the Atlantic Herring Fishery .....	0648-AT66
614	Specifications for the 2007 Fishing Year for the Atlantic Bluefish Fishery .....	0648-AT67
615	Central Gulf of Alaska Rockfish Pilot Program .....	0648-AT71
616	Atlantic Highly Migratory Species (HMS); 2006 Bluefin Tuna Quota Specifications and Effort Controls .....	0648-AT72
617	Atlantic Highly Migratory Species; North and South Atlantic Swordfish Commercial Management Measures .....	0648-AT73
618	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures .....	0648-AT74
619	Regulatory Amendment to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic ...	0648-AT75
620	Implement Specification Management Measures for the 2006 Pacific Sardine Fishery Coastal Pelagic Species FMP .....	0648-AT76
621	Revision of Critical Habitat for the Northern Right Whale ( <i>Eubalaena glacialis</i> ) .....	0648-AT84
622	2006 and 2007 Quota Specifications for Atlantic Surfclam and Ocean Quahog Fishery .....	0648-AT85
623	Framework Adjustment to the Bycatch Reduction Criteria for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico .....	0648-AT86
624	Joint Amendment to the Fishery Management Plans for the Shrimp Fishery (Amendment 14) and Reef Fish Fisheries (Amendment 27) of the Gulf of Mexico .....	0648-AT87
625	Control Date for the South Atlantic Snapper Grouper Fishery .....	0648-AT88
626	North Atlantic Whale Protection .....	0648-AM85
627	Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild .....	0648-AN43
628	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental To Conducting Oil and Gas Exploration Activities in the Gulf of Mexico .....	0648-AQ71
629	Right Whale Ship Strike Reduction .....	0648-AS36
630	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
631	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, CA. ....	0648-AT46
632	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Assessing Naval Ship Survivability. ....	0648-AT77



## DOC

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

Sequence Number	Title	Regulation Identifier Number
633	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Deployment of a Naval At-Sea Gunnery Scoring System .....	0648-AT78
634	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
635	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
636	Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Naval Training Operations at the East Coast Shallow Water Training Range .....	0648-AT81
637	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
638	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
639	Northwest Hawaiian Islands National Marine Sanctuary; Designation and Implementation of Regulations ( <b>Reg Plan Seq No. 28</b> ) .....	0648-AS83
640	Gulf of the Farallones National Marine Sanctuary Management Plan Review .....	0648-AT14
641	Monterey Bay National Marine Sanctuary Management Plan Review .....	0648-AT15
642	Channel Islands National Marine Sanctuary Management Plan Review .....	0648-AT17
643	Consideration of Marine Reserves and Marine Conservation Areas Within the Channel Islands National Marine Sanctuary .....	0648-AT18
644	Cordell Bank National Marine Sanctuary Management Plan Review .....	0648-AT16

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

## National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
645	Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery .....	0648-AK26
646	Proposed Highly Migratory Species Process .....	0648-AK40
647	Fisheries of the United States; National Standard 1 ( <b>Reg Plan Seq No. 29</b> ) .....	0648-AQ63
648	Turtle Mitigation for Non-Hawaii-Based Pelagic Longline and Non-Longline Vessels .....	0648-AQ91
649	Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region .....	0648-AS16
650	Measures To Reduce Interactions With Seabirds in the Hawaii-Based Longline Fishery .....	0648-AS30
651	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
652	Fee System for Repayment of the Loan to Harvesters of Bering Sea/Aleutian Islands King and Tanner Crabs .....	0648-AS46
653	Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs—Crab Rationalization Program .....	0648-AS47
654	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel .....	0648-AS59
655	List of Fisheries for 2005 .....	0648-AS78
656	Correct and Clarify Amendment 13 and Framework 40-A to the Northeast Multispecies Fishery Management Plan .....	0648-AS80
657	West Coast Highly Migratory Species Fishery Management Plan, Correcting Amendment .....	0648-AS89
658	Changes to Regulations Governing the Observer Communications System .....	0648-AS93
659	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
660	Framework Adjustment 41 to the Northeast Multispecies Fishery Management Plan .....	0648-AT08
661	Restrictions for 2005 and 2006 Purse Seine and Longline Fisheries for Tuna in the Eastern Tropical Pacific Ocean (ETP) .....	0648-AT33
662	2006-2007 Management Measures for Commercial, Recreational, and Treaty Salmon Fisheries Off the Coasts of Washington, Oregon, and California .....	0648-AT34
663	Temporary Rule to Address Haddock Bycatch in the 2005 Herring Fishery .....	0648-AT36
664	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
665	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
666	Fisheries of the Northeastern United States; Atlantic Bluefish and Summer Flounder Fisheries; State Quota Transfers and Combinations .....	0648-AT50

## DOC

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

Sequence Number	Title	Regulation Identifier Number
667	Establish a New Control Date for the Commercial Spanish Mackerel Fishery in the South Atlantic Exclusive Economic Zone .....	0648-AT64
668	2006 Scallop Research Set-Aside Request for Proposals .....	0648-AT68
669	Closure of the U.S. Longline Bigeye Tuna Fishery for 2005 in the Eastern Tropical Pacific Ocean .....	0648-AT70
670	Hydropower/Mandatory Conditions Review Process (MCRP) Rule .....	0648-AS55
671	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives .....	0648-AO16
672	Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska .....	0648-AP62
673	Regulations Implementing the Bottlenose Dolphin Take Reduction Plan .....	0648-AR39
674	Taking Marine Mammals Incidental to Navy Operations .....	0648-AR99
675	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations .....	0648-AS01
676	Sea Turtle Requirements for Commercial Scallop Fishing .....	0648-AS92
677	Threatened Status for Southern Resident Killer Whales .....	0648-AS95
678	Taking Marine Mammals Incidental to Operation of Offshore Oil Production Facilities in Beaufort Sea .....	0648-AS98
679	Proposed Threatened Status for Southern Distinct Population Segment of North American Green Sturgeon .....	0648-AT02
680	Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates .....	0648-AT49
681	Civil Procedures Governing Prosecution and Administrative Proceedings .....	0648-AS54
682	Gray's Reef National Marine Sanctuary .....	0648-AQ41
683	Certification Requirements for NOAA Electronic Navigational Chart Distribution .....	0648-AR87
684	Licensing of Private Land Remote-Sensing Space Systems .....	0648-AT00

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

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

Sequence Number	Title	Regulation Identifier Number
685	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
686	Procedural Changes to the Federal Consistency Process .....	0648-AP98
687	Coastal Zone Management Act Federal Consistency Regulations .....	0648-AR16
688	Regional Marine Research Program .....	0648-AF20

## National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
689	Regulatory Amendment Modifying the Gulf of Mexico BRD Framework Under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) .....	0648-AN84
690	Amendment 22 to the Reef Fish Fishery Management Plan .....	0648-AP02
691	Amendment 2 to Monkfish Fishery Management Plan .....	0648-AQ25
692	Amendment 11 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (American Samoa Longline Limited Access Permit Program) .....	0648-AQ92
693	Atlantic Highly Migratory Species; Amendments to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks and the Fishery Management Plan for Atlantic Billfish .....	0648-AR60
694	Gear Identification Markings on Buoys .....	0648-AR90
695	CDQ Transfer, Eligible Vessels, and Fishing Plan Regulations .....	0648-AS00
696	Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine .....	0648-AS17
697	Amendment 23 to the Reef Fish Fishery Management Plan To Set Vermilion Snapper Sustainable Fisheries Act Targets and Thresholds and To Establish a Plan To End Overfishing and Rebuild the Stock .....	0648-AS19
698	Annual Recreational Specifications for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2005 .....	0648-AS21
699	Specifications for the 2005 Fishing Year for the Atlantic Herring Fishery .....	0648-AS23
700	Specifications for the Spiny Dogfish Fishery for Fishing Year 2005 .....	0648-AS24
701	Framework 40B to the Northeast Multispecies Fishery Management Plan .....	0648-AS33
702	Framework 1 to the Red Crab Fishery Management Plan .....	0648-AS35

## DOC

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

Sequence Number	Title	Regulation Identifier Number
703	Amendment Number 15 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Region .....	0648-AS53
704	2005-2006 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California .....	0648-AS58
705	Amendment 24 to the Reef Fish Fishery Management Plan for the Reef Fish Resources in the Gulf of Mexico .....	0648-AS69
706	Annual Adjustment to Measures for the Monkfish Fishery for the 2005 Fishing Year .....	0648-AS72
707	Adjustment of Quota Overages in the U.S./Canada Area .....	0648-AS74
708	Seafood Dealer Reporting and Recordkeeping Requirements .....	0648-AS87
709	Commercial Grouper Fishery of the Gulf of Mexico; Establishment of a Control Date .....	0648-AS88
710	FMP for the Scallop Fishery Off Alaska Amendment 10 .....	0648-AS90
711	Atlantic Highly Migratory Species (HMS); 2005 Bluefin Tuna Quota Specifications and Effort Controls .....	0648-AT01
712	Area 4C/4D Selective IFQ/CDQ Boundary Permeability .....	0648-AT03
713	Atlantic Highly Migratory Species; Lifting Trade Restrictive Measures .....	0648-AT05
714	Atlantic Highly Migratory Species (HMS); Atlantic Shark Commercial Management Measures .....	0648-AT07
715	Framework Adjustment 17 to the Atlantic Sea Scallop Fishery Management Plan .....	0648-AT10
716	Limited Entry Program for Longline and Drift Gillnet Vessels .....	0648-AT35
717	Fisheries Off West Coast States and in the Western Pacific; Routine Management Measure Authority to Close the Pacific Coast Directed Groundfish Open Access Fisheries .....	0648-AT38
718	Spiny Dogfish Management Program and Trawl Individual Quota Program .....	0648-AT40
719	Pacific Halibut Fisheries; Subsistence Fishing; Correction .....	0648-AT44
720	Fisheries off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fisheries; Main Hawaiian Islands; Control Date .....	0648-AT47
721	Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern U.S.; Fishery Closure Due to Presence of Toxin that Causes Paralytic Shellfish Poisoning; Correction .....	0648-AT51
722	Control Date for Non-Longline Commercial Pelagic Fisheries in EEZ Around Hawaii .....	0648-AT52
723	Control Date for Domestic Purse Seine and Longline Pelagic Fisheries in U.S. EEZ of Western Pacific Region .....	0648-AT53
724	Salmon Conservation Zone for the Pacific Coast Whiting Primary Fishing Season .....	0648-AT69
725	Designate Critical Habitat for 7 Evolutionarily Significant Units (ESUs) of Pacific Salmon and Steelhead in California .....	0648-AO04
726	Designate Critical Habitat for 12 Evolutionarily Significant Units (ESUs) of Pacific Salmon and Steelhead in Washington, Oregon and Idaho .....	0648-AQ77
727	Listing Determinations for 27 Evolutionarily Significant Units (ESUs) of West Coast Salmon and Oncorhynchus Mykiss .....	0648-AR93
728	Sea Turtle Conservation; Exceptions to Taking Prohibitions for Endangered Sea Turtles .....	0648-AS57

## Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
729	Changes to Representation of Others Before the United States Patent and Trademark Office .....	0651-AB55
730	Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board .....	0651-AB56
731	Revision of Patent and Trademark Fees for Fiscal Year 2007 .....	0651-AB81
732	Amendment of Rules for Filing Intent To Use Documents in Section 1(b) Applications .....	0651-AB90

## Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
733	Changes To Implement the Cooperative Research and Technology Enhancement (CREATE) Act of 2004 .....	0651-AB76

## DOC

## Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
734	Changes To Implement Priority Application Exchange Between Intellectual Property Offices .....	0651-AB75
735	Revision of Ex Parte and Inter Partes Reexamination Practice .....	0651-AB77
736	Changes To Implement the Refund Provisions of the United States Patent and Trademark Fee Modernization Act of 2004 .....	0651-AB79
737	Provisions for Claiming the Benefit of a Provisional Application with a Non-English Specification and Other Miscellaneous Matters .....	0651-AB85
738	Amendment of Trademark Rules of Practice .....	0651-AB89
739	Acceptance, Processing, Use and Dissemination of Chemical and Three-Dimensional Biological Structural Data in Electronic Format .....	0651-AB91
740	Revisions to Facilitate Web-Based Patent Correspondence and Amendment Requirements for Reissue Applications and Reexamination Proceedings .....	0651-AB92
741	Changes to Practice for Continuing Applications, Requests for Continued Examination Practice, and Applications Containing Patentably Indistinct Claims .....	0651-AB93
742	Changes to Practice for the Examination of Claims in Patent Applications .....	0651-AB94
743	Changes to Information Disclosure Statement Requirements and Other Related Matters .....	0651-AB95
744	Pre-Brief Appeal Conference for Patent Applications Under Appeal to the Board of Patent Appeals and Interferences .....	0651-AB96
745	Changes to Examination Practice for Means- (or Step-) Plus-Function Claim Elements in Patent Applications .....	0651-AB97

## Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
746	Revision of Search and Examination Fees for Patent Cooperation Treaty Applications Entering the National Stage in the United States .....	0651-AB84
747	Changes to the Practice for Handling Patent Applications Filed Without the Appropriate Fees .....	0651-AB87
748	Requirements To Receive a Reduced Fee for Filing an Application Through the Trademark Electronic Application System .....	0651-AB88

## Technology Administration—Final Rule Stage

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

## Technology Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
750	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements .....	0692-AA14
751	Acquisition and Protection of Foreign Rights in Inventions .....	0692-AA15

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

**Proposed Rule Stage**

**456. 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	12/00/05	
NPRM Comment Period End	02/00/06	
Final Action	04/00/06	
Final Action Effective	05/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0691-AA57

**457. 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	12/00/06	
Final Action Effective	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0691-AA58

**458. • 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	
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**

**459. INTERNATIONAL SERVICES SURVEYS: CANCELLATION OF FIVE ANNUAL SURVEYS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 22 USC 3101 to 3108  
**CFR Citation:** 15 CFR 801.9  
**Legal Deadline:** None

**Abstract:** This action amends 15 CFR part 801 by revising section 801.9(b) to remove the reporting requirements for five annual surveys that collect data covering international trade in services.

These surveys have been replaced by quarterly surveys that collect essentially the same information.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/05	70 FR 23811
NPRM Comment Period End	07/05/05	
Final Action	08/17/05	70 FR 48270

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

**RIN:** 0691-AA59

**Department of Commerce (DOC)  
Bureau of the Census (CENSUS)**
**Proposed Rule Stage****460. • ANNUAL TRADE SURVEY****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Census Bureau is proposing to expand the 2005 Annual Trade Survey to include agents, brokers, and electronic markets. The Census Bureau propose 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
Notice	11/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**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)  
Bureau of the Census (CENSUS)**
**Final Rule Stage**
**461. 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	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Robert La Macchia, Chief, Geography Division, Department of Commerce, Bureau of the Census, Stop 7400, Washington Plaza, Room 651, 4700 Silver Hill Road, Washington, DC 20233  
Phone: 301 763-1022

**RIN:** 0607-AA35
**462. MANDATORY AUTOMATED  
EXPORT SYSTEM (AES) FILING FOR  
EXPORT SHIPMENTS REQUIRING  
SHIPPER'S EXPORT DECLARATION  
INFORMATION**
**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-228, sec 1404**CFR Citation:** 15 CFR 30**Legal Deadline:** None

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

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

**Timetable:**

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

**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, Room 3125, 4700 Silver Hill Road, FB-3, Washington, DC 20233  
Phone: 301 763-2238  
Fax: 301 457-3765  
Email: stephanie.b.dunlap@census.gov

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

**RIN:** 0607-AA38
**Department of Commerce (DOC)  
Bureau of the Census (CENSUS)**
**Long-Term Actions**
**463. 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

## DOC—CENSUS

## Long-Term Actions

Phone: 301 763-4039

RIN: 0607-AA42

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

## Completed Actions

**464. REQUIREMENT FOR REPORTING THE KIMBERLEY PROCESS CERTIFICATE NUMBER FOR EXPORTS (REEXPORTS) OF ROUGH DIAMONDS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 13 USC 301; 13 USC 302**CFR Citation:** 15 CFR 30**Legal Deadline:** None

**Abstract:** The U.S. Census Bureau (Census Bureau) is amending the Foreign Trade Statistics Regulations (FTSR) to incorporate the requirement for reporting the Kimberley Process Certificate (KPC) number for the

exports (reexports) of rough diamonds filed through the Automated Export System (AES) in accordance with the Kimberley Process Certification Scheme (Kimberley Process) in the United States. This rule is issued to carry out the purposes of Executive Order 13312 of July 29, 2003, which implemented the Clean Diamond Trade Act and the Kimberley Process.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/05	70 FR 2072
NPRM Comment Period End	02/11/05	
Final Action	05/16/05	70 FR 25773

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

**Agency Contact:** C. Harvey Monk Jr., Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, 4700 Silver Hill Road FB-3, Room 2104, Washington, DC 20233

Phone: 301 763-2255

Fax: 301 457-2645

Email: c.harvey.monk.jr@census.gov

**RIN:** 0607-AA44
**Department of Commerce (DOC)**  
**Economic Development Administration (EDA)**

## Final Rule Stage

**465. ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS**
**Priority:** Other Significant

**Legal Authority:** 42 USC 3121 et seq; 19 USC 3121 et seq; 42 USC 6701; 42 USC 184; 42 USC 5141; 42 USC 3123; 42 USC 6709; 42 USC 6101; 20 USC 1681; 29 USC 794; 42 USC 2000d-1; ...

**CFR Citation:** 13 CFR 300 to 318**Legal Deadline:** None

**Abstract:** The Economic Development Administration will be reviewing and reissuing all regulations in order to make them more user-friendly and

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/11/05	70 FR 47001
Interim Final Rule Comment Period End	10/11/05	
Final Rule	09/30/05	70 FR 57124
Final Action	11/00/05	

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

**Agency Contact:** Hina Shaikh, Attorney Advisor, Department of Commerce, Economic Development Administration, Office of the Chief Counsel, 1401 Constitution Ave., NW., Washington, DC 20230  
Phone: 202 482-4687

**RIN:** 0610-AA63
**Department of Commerce (DOC)**  
**General Administration (ADMIN)**

## Final Rule Stage

**466. • 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	10/00/05	

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

**Agency Contact:** Brenda Dolan, Departmental Freedom of Information and Privacy Act Officer, Department of

**DOC—ADMIN**

**Final Rule Stage**

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**

**467. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS, TECHNICAL AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 42 USC 300v-1(b)

**CFR Citation:** 15 CFR 27

**Legal Deadline:** None

**Abstract:** The Department of Commerce amends its regulations concerning the Protection of Human Subjects to change all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP) and revises the footnote found at the end of section 15 CFR 27.101(i) by deleting references to research involving fetuses, pregnant women, or human in vitro fertilization and subpart B of 45 CFR part 46.

**Timetable:**

Action	Date	FR Cite
Final Action	06/23/05	70 FR 36325
Final Action Effective	06/23/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tricia Choe, Attorney Advisor, Department of Commerce, 1401 Constitution Ave., NW., Washington, DC 20230  
Phone: 202 482-4265  
Fax: 202 482-0512  
Email: tchoe@doc.gov

**RIN:** 0605-AA17

**468. • DISCLOSURE OF GOVERNMENT INFORMATION; CHANGE IN DESIGNATED OFFICIAL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 5 USC 553; 31 USC 3717; 44 USC 3101

**CFR Citation:** 15 CFR 4

**Legal Deadline:** None

**Abstract:** This rule amends the Department of Commerce's Freedom of

Information Act regulations by changing the official authorized to deny both requests for records under the Freedom of Information Act and requests for correction or amendment under the Privacy Act, for the Bureau of the Census.

**Timetable:**

Action	Date	FR Cite
Final Action	08/15/05	70 FR 47725

**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-AA20

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

**Proposed Rule Stage**

**469. 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

Action	Date	FR Cite
Interim Final Rule Effective	03/20/98	
NPRM	11/00/05	
Final Action	11/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Stacy Ettinger, Attorney, Department of Commerce, International Trade Administration, Room 3828, 14th & Pennsylvania Ave., NW., Washington, DC 20230  
Phone: 202 482-4618

**RIN:** 0625-AA51



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

**Final Rule Stage**

**470. 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. 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 Action	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**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

**471. 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
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sergio Botero, Industry Economist, Department of Commerce, International Trade Administration, HCHB Room 3119, Office of Textiles and Apparel, 14th and Constitution Avenue NW., Washington, DC 20230  
 Phone: 202 482-4058  
 Fax: 202 482-0667

**RIN:** 0625-AA67

**472. • 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	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert E. Nielsen, Senior Attorney, Department of Commerce, International Trade Administration, 14th Street and Pennsylvania Ave, NW., Washington, DC 20230  
 Phone: 202 482-5340

Email: robert\_nielsen@ita.doc.gov

**RIN:** 0625-AA68

**473. • 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
Final Action	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Stacy Ettinger, Attorney, Department of Commerce, International Trade Administration, Room 3828, 14th & Pennsylvania Ave., NW., Washington, DC 20230  
 Phone: 202 482-4618

**RIN:** 0625-AA69

**Department of Commerce (DOC)**  
**International Trade Administration (ITA)**
**Long-Term Actions****474. 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**475. 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\_neilsen@ita.doc.gov

**RIN:** 0625-AA66
**Department of Commerce (DOC)**  
**International Trade Administration (ITA)**
**Completed Actions****476. IMPORT OF CERTAIN WORSTED WOOL FABRIC: IMPLEMENTATION OF TARIFF RATE QUOTA ESTABLISHED UNDER TITLE V OF THE TRADE AND DEVELOPMENT ACT OF 2000****Priority:** Other Significant**Legal Authority:** PL 106-200, sec 501to 504; Presidential Proclamation No. 7383 (December 1, 2000)**CFR Citation:** 15 CFR 335; 15 CFR 340**Legal Deadline:** None**Abstract:** On January 22, 2001, the Department of Commerce issued interim regulations implementing section 501(e) and section 504(b) of the Trade and Development Act of 2000 (the Act). Section 501(e) requires the President to fairly allocate tariff rate quotas on the import of certain worsted

wool fabrics, tariff rate quotas which were established by sections 501(a) and 501(b) of the Act. Section 504(b) authorizes the President to modify the limitations on worsted wool fabric imports under the tariff rate quotas. The President has delegated to the Secretary of Commerce the authority to allocate the quantity of imports under the tariff rate quotas and to determine whether the limitations on the quantity of imports under the tariff rate quotas should be modified. Final regulations will be issued after the period for notice and comment has expired.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/22/01	66 FR 6459

Action	Date	FR Cite
Interim Final Rule Comment Period End	03/23/01	
Final Action	05/12/05	70 FR 24941
Final Action	06/10/05	70 FR 33825

**Regulatory Flexibility Analysis**  
**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Sergio Botero, Industry Economist, Department of Commerce, International Trade Administration, HCHB Room 3119, Office of Textiles and Apparel, 14th and Constitution Avenue NW., Washington, DC 20230  
Phone: 202 482-4058  
Fax: 202 482-0667**RIN:** 0625-AA58
**Department of Commerce (DOC)**  
**Bureau of Industry and Security (BIS)**
**Proposed Rule Stage****477. 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	12/00/05	

**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**478. 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

## DOC—BIS

## Proposed Rule Stage

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

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

Declarations submitted under the U.S. Additional Protocol would provide the IAEA with information about additional aspects of the U.S. nuclear fuel cycle, including mining and milling of nuclear materials, nuclear-related equipment manufacturing, nuclear-

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

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

**Related RIN:** Related to 0694-AD27**RIN:** 0694-AD26**479. EXPORT ADMINISTRATION REGULATIONS: CLARIFICATIONS TO DEEMED EXPORT AND REEXPORT POLICY****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 1701; 50 USC 2401; EO 12938; EO 13020; ...**CFR Citation:** 15 CFR 734; 15 CFR 772**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is reviewing the recommendations contained in the U.S. Department of Commerce Office of Inspector General 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). Certain of these recommendations would require regulatory changes that would affect existing requirements and policies for deemed export licenses. BIS is seeking comments on how these revisions would affect industry, the academic community, and U.S. Government agencies involved in research.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/28/05	70 FR 15607
Comment Period Extended	05/27/05	70 FR 30655
NPRM	12/00/05	

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

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

**RIN:** 0694-AD29**480. 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

**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

## DOC—BIS

## Proposed Rule Stage

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 as a national security concern.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

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

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

**RIN:** 0694-AD36

#### 481. • 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, 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 facilitate the scheduling of UDOC facility inspections by eliminating a period of uncertainty, at the beginning of each calendar year, concerning the inspection status of "declared" UDOC plant sites.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

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

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

Fax: 202 482-3355

Email: wfisher@bis.doc.gov

**RIN:** 0694-AD53

#### 482. • 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	12/00/05	

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

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

**RIN:** 0694-AD63

## Department of Commerce (DOC)

## Bureau of Industry and Security (BIS)

## Final Rule Stage

#### 483. 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

## DOC—BIS

## Final Rule Stage

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/99	64 FR 39193
Interim Final Rule	12/30/99	64 FR 73744
Second NPRM	12/07/04	69 FR 70754
Final Action	12/00/05	

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

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

**RIN:** 0694-AB06**484. 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	12/00/05	

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

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

**RIN:** 0694-AC17**485. 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	12/00/05	

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

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

**RIN:** 0694-AC33**486. 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	12/00/05	

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

## DOC—BIS

## Final Rule Stage

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

**RIN:** 0694-AC34

#### 487. REMOVAL OF LICENSING EXEMPTION FOR EXPORTS AND REEXPORTS OF MISSILE TECHNOLOGY-CONTROLLED ITEMS DESTINED TO CANADA

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 738; 15 CFR 742

**Legal Deadline:** None

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

##### Timetable:

Action	Date	FR Cite
ANPRM	12/20/01	66 FR 65666
NPRM	05/24/05	70 FR 29660
Comment Period End	06/23/05	
Final Action	02/00/06	

##### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Matthew Blaskovich, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: mblaskov@bis.doc.gov

**RIN:** 0694-AC48

#### 488. 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	11/00/05	

##### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AC84

#### 489. 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	12/00/05	

##### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AC94

#### 490. 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	11/00/05	

##### Regulatory Flexibility Analysis

**Required:** No

## DOC—BIS

## Final Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD07

#### 491. 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	11/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Email: warvin@bis.doc.gov

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

**RIN:** 0694-AD23

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 740

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Final Rule	12/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 0694-AD27

#### 493. 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; ...

**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. This action is not intended to have a substantive effect on the rights or obligations of the public.

#### Timetable:

Action	Date	FR Cite
Final Action	11/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD30

DOC—BIS

Final Rule Stage

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 740

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Matthew Blaskovich, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482–2440  
Fax: 202 482–3355  
Email: mblaskov@bis.doc.gov

**RIN:** 0694–AD33

#### 495. 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
Final Action	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694–AD34

#### 496. 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	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694–AD47

#### 497. 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 India, Bulgaria, Czech Republic, Hungary, Poland, Romania, and Slovakia. This requirement is being removed for India, because of its highly



DOC—BIS

Final Rule Stage

effective export control program. The requirement is being removed for the other countries because of their membership in the North Atlantic Treaty Organization (NATO) and their commitment to export control, 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.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/05	

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

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

Phone: 202 482-2440

Email: tmooney@bis.doc.gov

**RIN:** 0694-AD50

**498. • 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 for all license applications submitted that include controlled items that exceed a total value of \$5,000. This expansion is necessary to allow BIS to conduct post shipment verifications on exports or reexports of any items requiring a license to the PRC. To minimize the impact that this expanded support document requirement will have on exporters, BIS is eliminating the current requirement that exporters need to submit a PRC End-User Certificate as a required support document with license applications. Instead, exporters

are required now to maintain PRC End-User Certificates 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.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/05	

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

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

Phone: 202 482-2440

Email: tmooney@bis.doc.gov

**RIN:** 0694-AD52

**499. • 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	03/00/06	

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

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: warvin@bis.doc.gov

**RIN:** 0694-AD54

**500. • 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	11/00/05	

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

**Agency Contact:** Marcus Cohen, Department of Commerce, Bureau of

## DOC—BIS

## Final Rule Stage

Industry and Security, 14th & Pennsylvania Avenue NW., Mail Stop 2705, Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202-482-3355  
Email: mcohen@bis.doc.gov

**RIN:** 0694-AD55

**501. • 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
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD56

**502. • 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:** IEEPA

**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	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Related RIN:** Related to 0694-AD14

**RIN:** 0694-AD57

**503. • IMPLEMENTATION OF THE UNDERSTANDINGS REACHED AT THE 2004 GOTEVBERG 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 738; 15 CFR part 740; 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 Gotevberg 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	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

## DOC—BIS

## Final Rule Stage

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

**RIN:** 0694-AD58

**504. • 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	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

Phone: 202 482-2440

Email: tmooney@bis.doc.gov

**RIN:** 0694-AD59

**505. • 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:** This rule revises section 766.23(c) of the EAR to provide that a person named as a related person to an order issued pursuant to section 766.25 may appeal that decision to the Under Secretary for Industry and Security pursuant to part 756 of the EAR rather than to an administrative law judge. A person named as a related person to an order issued pursuant to any other provision of part 766 of the EAR will continue to have a right to appeal to an administrative law judge. Section 766.25 of the EAR provides the procedure for denial of export privileges of persons convicted of one of the statutes specified in section 11(h) of the Export Administration Act. This change will have the effect of making the appeals procedure for any person who BIS names as a related person to a denial order identical to the appeals procedure for the respondent in that denial order.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William Arvin,  
Department of Commerce, Bureau of  
Industry and Security, HCHB Room

2096, 14th & Pennsylvania Avenue  
NW., Washington, DC 20230

Phone: 202 482-2440

Fax: 202 482-3355

Email: warvin@bis.doc.gov

**RIN:** 0694-AD60

**506. • 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 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

## DOC—BIS

## Final Rule Stage

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 to 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 Action	05/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0694-AD61

**507. • 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

transfer and possession 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.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0694-AD62

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

## Long-Term Actions

**508. EXPORT ADMINISTRATION REGULATIONS: SUPPORT DOCUMENTATION CONSOLIDATION AND REORGANIZATION**

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 748; ...

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

Required: Undetermined

Small Entities Affected: Businesses

**Government Levels Affected:**

Undetermined

**Agency Contact:** Timothy Mooney

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

RIN: 0694-AC04

**509. EXPORTS AND REEXPORTS TO SUDAN**

Priority: Substantive, Nonsignificant

**CFR Citation:** 15 CFR 732; 15 CFR 738; 15 CFR 742; 15 CFR 746; 15 CFR 774

**Timetable:**

Action	Date	FR Cite
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** William Arvin

Phone: 202 482-2440  
Fax: 202 482-3355  
Email: warvin@bis.doc.gov

RIN: 0694-AC05

## DOC—BIS

## Long-Term Actions

**510. EXPANSION OF LICENSE EXCEPTION GOV; EXPORTS AND REEXPORTS TO INTERNATIONAL ORGANIZATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 774**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman  
Phone: 202 482-2440  
Email: squarter@bis.doc.gov**RIN:** 0694-AC15**511. 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**Agency Contact:** William Arvin  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: warvin@bis.doc.gov**RIN:** 0694-AC20**512. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748 to 750**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bis.doc.gov**RIN:** 0694-AC23**513. CHEMICAL WEAPONS CONVENTION: REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 700 to 799**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Willard Fisher  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: wfisher@bis.doc.gov**RIN:** 0694-AC35**514. GENERAL ORDER PROVIDING FOR NOTIFICATION OF LICENSE REQUIREMENT****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  
Phone: 202 482-3371  
Email: tmooney@bis.doc.gov**RIN:** 0694-AC47**515. LICENSE EXCEPTION APR FOR REEXPORTS TO, FROM, AND AMONG COUNTRIES IN COUNTRY GROUP A:1****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 740**Timetable:**

Action	Date	FR Cite
ANPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** William Arvin  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: warvin@bis.doc.gov**RIN:** 0694-AC69**516. REVISIONS TO LICENSE EXCEPTION TSR: EXPANSION TO SCOPE OF ELIGIBLE COUNTRIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 774**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Matthew Blaskovich  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: mblaskov@bis.doc.gov**RIN:** 0694-AC71**517. REVISIONS OF AIRCRAFT EXPORT LICENSING JURISDICTION BASED ON REVIEW OF THE UNITED STATES MUNITIONS LIST****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748; 15 CFR 774**Timetable:**

Action	Date	FR Cite
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** William Arvin  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: warvin@bis.doc.gov**RIN:** 0694-AC74

## DOC—BIS

## Long-Term Actions

**518. IMPOSITION OF FOREIGN POLICY CONTROLS ON SURREPTITIOUS COMMUNICATIONS INTERCEPTING DEVICES****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 746; 15 CFR 752;

...

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman  
Phone: 202 482-2440  
Email: squarter@bis.doc.gov**Related RIN:** Related to 0694-AB41**RIN:** 0694-AC82**519. EXPORT ADMINISTRATION REGULATIONS: REMOVAL OF COUNTRY GROUPS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 732; 15 CFR 724; 15 CFR 736; 15 CFR 738; 15 CFR 740;

15 CFR 742; 15 CFR 744; 15 CFR 748; 15 CFR 750; 15 CFR 752; 15 CFR 758; 15 CFR 770; 15 CFR 772; 15 CFR 774

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Sharron Cook  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bis.doc.gov**RIN:** 0694-AD09**520. IMPLEMENTATION OF THE WASSENAAR ARRANGEMENT STATEMENT OF UNDERSTANDING ON THE CONTROL OF NON-LISTED DUAL-USE ITEMS****Priority:** Other Significant**CFR Citation:** 15 CFR 740; 15 CFR 744; 15 CFR 746; 15 CFR 748**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman  
Phone: 202 482-2440  
Email: squarter@bis.doc.gov**RIN:** 0694-AD10**521. 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  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bis.doc.gov**RIN:** 0694-AD22

## Department of Commerce (DOC)

## Bureau of Industry and Security (BIS)

## Completed Actions

**522. ADDING SYSTEMS, INCLUDING CAMERAS, INCORPORATING NON-SPACE QUALIFIED NON-LINEAR (2-DIMENSIONAL), INFRARED FOCAL PLANE ARRAYS BASED ON SILICON (INCLUDING SILICON-GERMANIUM) MICROBOLOMETER MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); 18 USC 2510; 22 USC 287c; 22 USC 3201; 22 USC 6004; 30 USC 185(s) and 185(u); 42 USC 2139a; 42 USC 6212; 43 USC 1354; 46 USC app 466c; PL 106-387; PL 107-56; EO 13026; EO 13222**CFR Citation:** 15 CFR 744**Legal Deadline:** None**Abstract:** This rule imposes unilateral "National Security" (NS) and "Anti-Terrorism" (AT) controls on the export and reexport of (1) Systems, including cameras, Incorporating Non-Space

Qualified non-linear (2-dimensional), infrared focal plane arrays based on silicon (including silicon-germanium) microbolometer material (SIIRFPA); (2) software related to the production and development of these systems; and (3) technology related to the production and development of these systems and software. This rule places these items, previously classified as EAR99, on the Commerce Control List.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/01/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230Phone: 202 482-3451  
Fax: 202 482-3355  
Email: jlynch@bis.doc.gov**Related RIN:** Merged with 0694-AD41**RIN:** 0694-AD06**523. REVISION OF EXPORT AND REEXPORT RESTRICTIONS ON LIBYA****Priority:** Other Significant**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 732; 15 CFR 736; 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 746; 15 CFR 762; 15 CFR 772**Legal Deadline:** None

## DOC—BIS

## Completed Actions

**Abstract:** This rule implements the President's decision to revise U. S. sanctions against Libya. It also transfers licensing jurisdiction for exports to Libya of items subject to the EAR from the Department of Treasury to the Department of Commerce.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/29/04	69 FR 23626
Final Action	03/22/05	70 FR 14387

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., HCHB Room 2096, Washington, DC 20230

Phone: 202 482-2440

Email: squarter@bis.doc.gov

**RIN:** 0694-AD14

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 744

**Legal Deadline:** None

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

destinations, worldwide, including the countries identified in Country Group A:3 (i.e., the AG-participating countries).

**Timetable:**

Action	Date	FR Cite
Final Action	03/30/05	70 FR 16110

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230

Phone: 202 482-2440

Fax: 202 482-3355

Email: wfisher@bis.doc.gov

**RIN:** 0694-AD15

**525. LICENSING POLICY FOR ENTITIES SANCTIONED UNDER SPECIFIED STATUTES; LICENSE REQUIREMENT FOR CERTAIN SANCTIONED ENTITIES; AND IMPOSITION OF LICENSE REQUIREMENT FOR TULA INSTRUMENT DESIGN BUREAU**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 744

**Legal Deadline:** None

**Abstract:** Several statutes authorize or require the United States Government to impose export sanctions on entities if such entities have engaged in activities that contribute to the proliferation of weapons of mass destruction or are otherwise contrary to the foreign policy interests of the United States. This rule sets forth BIS's licensing policy for entities subject to sanctions imposed by the State Department under the Iran-Iraq Arms Nonproliferation Act of 1992 (Pub. L. 102-484), the Iran Nonproliferation Act of 2000 (Pub. L. 107-178) and section 11B(b)(1) of the Export Administration Act of 1979. This rule also sets forth a new license requirement for certain entities sanctioned by the State

Department, and imposes a license requirement for a specific entity, Tula Instrument Design Bureau of Russia, pursuant to the new license requirement.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/07/05	70 FR 10865
Interim Final Rule Comment Period End	05/06/05	
Final Rule	06/09/05	70 FR 33693

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: warvin@bis.doc.gov

**RIN:** 0694-AD24

**526. EXPORTS OF NUCLEAR-GRADE GRAPHITE: CHANGE IN LICENSING JURISDICTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 774

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Rule	07/21/05	70 FR 41952

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jeffery Lynch, Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230

Phone: 202 482-3451

Fax: 202 482-3355

## DOC—BIS

## Completed Actions

Email: jlynch@bis.doc.gov

RIN: 0694-AD28

**527. EXPANSION OF THE COUNTRY SCOPE OF THE LICENSE REQUIREMENTS THAT APPLY TO CHEMICAL/BIOLOGICAL (CB) EQUIPMENT AND RELATED TECHNOLOGY; AMENDMENTS TO CB-RELATED END-USER/END-USE AND U.S. PERSON CONTROLS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 742; 15 CFR 744; 15 CFR 774

**Legal Deadline:** None

**Abstract:** This rule increases the country scope of chemical/biological (CB) controls on those Commerce Control List (CCL) entries that control chemical/biological equipment and related technology included on the Australia Group (AG) "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology." Specifically, this rule expands the country scope of the CB license requirements for these CCL entries from certain countries of concern for chemical/biological weapons reasons to all destinations, worldwide, except for those countries that participate in the Australia Group (AG). The changes made by this rule are intended to make the EAR license requirements that apply to AG-listed chemical/biological equipment and related technology conform with the AG "Guidelines for Transfers of Sensitive Chemical or Biological Items." This rule also expands the CB-related end-user/end-use controls in Section 744.4 of the EAR to include in-country transfers, as well as exports and reexports. In addition, this rule expands the country scope of the CB-related U.S. person restrictions in Section 744.6 of the EAR from countries of concern for CB weapons reasons (i.e., Country Group D:3) to any country or destination, worldwide.

**Timetable:**

Action	Date	FR Cite
Final Action	04/14/05	70 FR 19688

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD37

**528. REMOVAL OF ADVISORY NOTES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; PL 106-387; PL 107-56; EO 12058; EO 12851; EO 12938; EO 13222

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

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) by removing all references to "Advisory Notes" from the provisions of the EAR. In addition, this rule amends Export Control Classification Number (ECCN) 2B018 on the Commerce Control List (CCL) by removing the Advisory Note from this ECCN and making conforming changes to the License Exception GBS and License Exception CIV paragraphs in this ECCN. Advisory Notes were included in the CCL to indicate favorable licensing treatment for strategic items included on the control lists of the Coordinating Committee for Multilateral Export Controls (COCOM), a multilateral export control organization that existed during the Cold War era. Strategic items included on the control lists of the COCOM successor regime, the Wassenaar Arrangement (WA), do not have Advisory Notes. Therefore, the Bureau of Industry and Security (BIS) amends the EAR to remove the only remaining Advisory Note and all references to Advisory Notes, wherever located.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/01/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marcus Cohen, Department of Commerce, Bureau of

Industry and Security, 14th & Pennsylvania Avenue NW., Mail Stop 2705, Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202-482-3355  
Email: mcohen@bis.doc.gov

**Related RIN:** Duplicate of 0694-AD39

**RIN:** 0694-AD39

**529. EDITORIAL CORRECTIONS TO PART 730 OF THE EXPORT ADMINISTRATION REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 730

**Legal Deadline:** None

**Abstract:** This final rule amends the Export Administration Regulations (EAR) by making editorial corrections to update the organization descriptions and contact information of the offices in the Bureau of Industry and Security. In addition, this rule updates the list of Paperwork Collections that authorize the collection of information under the requirements of the EAR.

**Timetable:**

Action	Date	FR Cite
Final Action	03/22/05	70 FR 14385

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD40

**530. DECEMBER 2004 WASSENAAR ARRANGEMENT PLENARY AGREEMENT IMPLEMENTATION: CATEGORIES 1, 2, 3, 4, 5 PART I (TELECOMMUNICATIONS), 6, 7, 8, AND 9 OF THE COMMERCE CONTROL LIST; WASSENAAR REPORTING REQUIREMENT**

**Priority:** Substantive, Nonsignificant

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



## DOC—BIS

## Completed Actions

**CFR Citation:** 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, 4, 5 part I (telecommunications), 6, 7, 8, and 9 to conform with changes in the List of Dual-Use Goods and Technologies maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement). The Wassenaar Arrangement 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 Commerce Control List, definitions of terms used in the EAR, and Wassenaar reporting requirements to implement Wassenaar List revisions that were agreed upon in the December 2004 meeting. In addition, this rule adds Slovenia to the list of Wassenaar member countries in the EAR.

**Timetable:**

Action	Date	FR Cite
Final Action	07/26/05	70 FR 43041

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD41

### 531. ENTITY LIST—INDIA: REDUCTION IN SCOPE OF ITEMS THAT REQUIRE A LICENSE FOR END-USERS SUBJECT TO INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) SAFEGUARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 50 USC 1701; 42 USC 2139(a); EO 12947; ...

**CFR Citation:** 15 CFR 744

**Legal Deadline:** None

**Abstract:** On January 12, 2004, President George W. Bush announced the Next Steps in Strategic Partnership (NSSP) with India. The proposed cooperation outlined in the NSSP will progress through a series of reciprocal steps that build on each other, including steps related to enhancing cooperation in peaceful uses of space technology and steps to create the appropriate environment for successful high technology commerce. This rule implements a revision the United States has agreed to take under the NSSP by reducing the scope of the items that exporters are informed require a license for facilities subject to International Atomic Energy Agency safeguards (Rajasthan 1 & 2 and Tarapur 1 & 2).

**Timetable:**

Action	Date	FR Cite
Final Action	08/30/05	70 FR 51251

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD44

### 532. TECHNICAL CORRECTIONS TO THE EXPORT ADMINISTRATION REGULATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 732; 15 CFR 734; 15 CFR 736; 15 CFR 740; 15 CFR 742; 15 CFR 746; 15 CFR 774

**Legal Deadline:** None

**Abstract:** This rule clarifies the requirements of several license exceptions, replaces supplements to the EAR with codified text, removes several provisions that have no legal effect and revises several software and technology Commerce Control List entries to make them more closely track related commodity entries.

**Timetable:**

Action	Date	FR Cite
Withdrawn	06/15/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Related RIN:** Previously reported as 0694-AC93, Merged with 0694-AD54

**RIN:** 0694-AD46

### 533. REVISION OF TELEPHONE NUMBERS, ADDRESSES, AND NOMENCLATURE CHANGE AND REMOVAL OF REDUNDANT REPORTING REQUIREMENT

**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 748; 15 CFR 762; 15 CFR 764

**Legal Deadline:** None

**Abstract:** This rule revises addresses, telephone, and facsimile numbers; makes a nomenclature change; removes a redundant notification requirement; and corrects a citation error.

**Timetable:**

Action	Date	FR Cite
Final Action	04/27/05	70 FR 22247

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William Arvin, Department of Commerce, Bureau of

## DOC—BIS

## Completed Actions

Industry and Security, HCHB Room  
2096, 14th & Pennsylvania Avenue  
NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: warvin@bis.doc.gov

**RIN:** 0694-AD48

**534. RESTRICTIONS ON EXPORTS  
AND REEXPORTS TO CHINA (AND  
TRANSFERS WITHIN CHINA) OF  
CERTAIN ITEMS INTENDED FOR  
MILITARY END-USES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 2401; 50 USC 1701; 22 USC 3201; EO 13026; ...

**CFR Citation:** 15 CFR 744; 15 CFR 774

**Legal Deadline:** None

**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to impose a license requirement on exports and reexports to China (and transfers within China) of certain aircraft engines intended for military end-uses.

**Timetable:**

Action	Date	FR Cite
Merged With 0694-AD10	09/01/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: hhess@bis.doc.gov

**Related RIN:** Merged with 0694-AD10

**RIN:** 0694-AD49

**535. • IMPLEMENTATION OF THE  
UNDERSTANDINGS REACHED AT  
THE APRIL 2005 AUSTRALIA GROUP  
(AG) PLENARY MEETING**

**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 12938; EO 13026

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

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) to implement the understandings reached at the April 2005 plenary meeting of the Australia Group (AG), which was held in Sydney, Australia, on April 18-21, 2005. Specifically, this rule amends the EAR to implement changes to the AG "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology" by revising Export Control Classification Number (ECCN) 2B350 on the Commerce Control List (CCL) to clarify controls on pumps usable for making precursor chemicals. This rule also amends the EAR to implement changes to the AG "Control List of Dual-Use Biological Equipment" by revising ECCN 2B352 on the CCL to control complete spraying and fogging systems, spray booms and arrays of aerosol generating units, and components therefor, having specified delivery capabilities and specially designed or modified for fitting to aircraft, lighter-than-air vehicles, or unmanned aerial vehicles. In addition, this rule amends ECCN 1C353 on the CCL by revising the Technical Note in the entry to clarify the scope of the chemical/biological (CB) controls that apply to genetic elements and genetically modified organisms that contain nucleic acid sequences associated with the pathogenicity of any AG-controlled microorganisms in 1C351.a to .c, 1C352, or 1C354 on the CCL. This rule also amends the EAR

to reflect the addition of Ukraine as the newest participating country in the Australia Group (AG) by amending the Country Groups in Supplement No. 1 to Part 740 to add Ukraine to Country Group A:3 (Australia Group) and remove Ukraine from Country Group D:3 (Countries of Concern for Chemical and Biological Reasons) and by amending the Commerce Country Chart in Supplement No. 1 to Part 738 to remove the licensing requirements for Ukraine, under CB Column 2 and CB Column 3, in conformance with the CB licensing policy that applies to AG participating countries. Finally, this rule amends the list of States Parties to the Chemical Weapons Convention (CWC) in Supplement No. 2 to Part 745 by adding "Niue," which recently became a State Party. This rule clarifies the entry for "Netherlands" by adding a footnote to indicate that, for CWC purposes only, the Netherlands includes "Aruba" and the "Netherlands Antilles." This rule also updates the list of States Parties by removing "Yugoslavia (Federal Republic of)" and replacing it with "Serbia and Montenegro."

**Timetable:**

Action	Date	FR Cite
Final Action	08/05/05	70 FR 45276

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0694-AD51

## Department of Commerce (DOC)

Final Rule Stage

## National Institute of Standards and Technology (NIST)

**536. • CHANGES TO FEDERAL INFORMATION PROCESSING STANDARD (FIPS) PUBLICATION 201, STANDARD FOR PERSONAL IDENTITY VERIFICATION OF FEDERAL EMPLOYEES AND CONTRACTORS****Priority:** Other Significant**Legal Authority:** 40 USC 11331(a); 15 USC 278g-3(a)(c); HSPD 12**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The National Institute of Standards and Technology (NIST) announces proposed changes to Federal Information Processing Standard (FIPS) Publication 201, Standard for Personal Identity Verification of Federal Employees and Contractors. The changes to Section 2.2, PIV Identify

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

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

**Timetable:**

Action	Date	FR Cite
Notice	09/08/05	70 FR 53346
Final Action	12/00/05	

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

**Agency Contact:** Michael R. Rubin, Deputy Chief Counsel, Department of Commerce, National Institute of Standards and Technology, Room 811, Admin Building, Gaithersburg, MD 20899  
Phone: 301 975-2803

**RIN:** 0693-AB56

## Department of Commerce (DOC)

Completed Actions

## National Institute of Standards and Technology (NIST)

**537. DRAFT FEDERAL INFORMATION PROCESSING STANDARD (FIPS) 201, PERSONAL IDENTIFICATION VERIFICATION FOR FEDERAL EMPLOYEES AND CONTRACTORS****Priority:** Other Significant**Legal Authority:** HSPD 12; PL 107-347**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The President tasked the Secretary of Commerce to promulgate, in accordance with applicable law, a Federal standard for secure and reliable forms of identification for Federal employees. The Federal Information Processing Standard (FIPS) 201, Personal Identification Verification for Federal Employees and Contractors (FIPS 201) would specify the minimum necessary technical and operational requirements for such Federal identification credentials.

**Timetable:**

Action	Date	FR Cite
Notice	11/23/04	69 FR 68128
Final Action	04/08/05	70 FR 17975

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

**Agency Contact:** William Barker, Computer Security Division, Department of Commerce, National Institute of Standards and Technology, Gaithersburg, MD 20899  
Phone: 301 975-8443  
Email: william.barker@nist.gov

**RIN:** 0693-AB54**538. • FASTENER QUALITY ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 5401 et seq**CFR Citation:** 15 CFR 280**Legal Deadline:** None

**Abstract:** The Director of the National Institute of Standards and Technology amends its regulations that implement the Fastener Quality Act of 1999 to update the mailing address where all documents submitted in connection with the recordal of fastener insignia must be sent.

**Timetable:**

Action	Date	FR Cite
Final Action	08/26/05	70 FR 50180
Final Action Effective	09/26/05	

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

**Agency Contact:** Ari Leifman, Department of Commerce, National Institute of Standards and Technology, Office of the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451  
Phone: 571 272-9572

**RIN:** 0693-AB55

## Department of Commerce (DOC)

## Proposed Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, 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
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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

**RIN:** 0648-AL67

## 540. 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
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** None

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

Phone: 808 973-2937

**RIN:** 0648-AM98

## 541. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

**RIN:** 0648-AN09

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

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

**Abstract:** Implement Amendment 9 to the western Pacific pelagics FMP, which would establish trip limit for non-blue sharks in the Hawaii-based longline fishery, establish a new 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	10/00/05	
NPRM Comment Period End	12/00/05	
Final Action	02/00/06	

**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: 808 973-2937

**RIN:** 0648-AN76

## 543. REVISION OF AMERICAN LOBSTER REGULATIONS FOR THE EEZ

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 697

## DOC—NOAA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** In accordance with the Atlantic Coastal Fisheries Cooperative Management Act (Act), 16 U.S.C. et seq., NMFS announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone in response to recommendations from the Atlantic States Marine Fisheries Commission to NMFS in Addenda II and III to Amendment 3 to the Interstate Fishery Management Plan (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
NPRM Comment Period End	10/17/05	
Final Action	01/00/06	

**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**544. 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; vessel owners wishing to freeze sablefish at sea will be required to provide proof of a history of freezing sablefish at sea in the years 1998, 1999, or 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

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

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

**RIN:** 0648-AP38**545. 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	11/00/05	
NPRM Comment Period End	12/00/05	

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

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

**RIN:** 0648-AP51

## DOC—NOAA

## Proposed Rule Stage

**546. 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	10/00/05	
NPRM Comment Period End	11/00/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Agency Contact:** Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930  
Phone: 978 281-9200**RIN:** 0648-AP60**547. 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 of America, as authorized under the South Pacific Tuna Act. These changes include the implementation of an electronic vessel monitoring system for U.S. purse seine vessels licensed to fish within the Treaty Area. The location information will be provided to the Forum Fisheries Agency, located in Honiara, Solomon Islands, as well as NOAA Fisheries. This rule would eliminate the

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Dr. Charles Karnella, Pacific Islands Area Office, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814-4700  
Phone: 808 973-2985**RIN:** 0648-AP61**548. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State**Agency Contact:** James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249**RIN:** 0648-AP67**549. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249**RIN:** 0648-AQ07

## DOC—NOAA

## Proposed Rule Stage

**550. 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	10/00/05	
NPRM Comment Period End	11/00/05	
Final Action	02/00/06	

**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: 808 973-2937

**Related RIN:** Merged with 0648-AK82**RIN:** 0648-AQ20**551. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); RECREATIONAL ATLANTIC BLUE AND WHITE MARLIN LANDINGS LIMIT; AMENDMENTS TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC TUNAS, SWORDFISH, AND SHARKS AND THE FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq; 16 USC 971 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This rule would withdraw the proposed rule published on September 17, 2003 (68 FR 54410), and

proposes new management measures to implement domestic management measures based upon recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding 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
NPRM Comment Period End	10/18/05	
Final Action	01/00/06	

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

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

Phone: 301 713-2334

**RIN:** 0648-AQ65**552. 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**553. 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

## DOC—NOAA

## Proposed Rule Stage

**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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR06

**554. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR09

**555. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR30

**556. 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	11/00/05	
NPRM Comment Period End	01/00/06	

**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



## DOC—NOAA

## Proposed Rule Stage

**557. 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
NPRM	03/00/06	
NPRM Comment Period End	04/00/06	

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

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

**RIN:** 0648-AR38**558. MAXIMIZE RETENTION AND MONITORING PROGRAM IN THE SHOREBASED PACIFIC WHITING FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	01/00/06	

**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-AR63**559. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

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

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

Phone: 808 973-2937

**RIN:** 0648-AR65**560. 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

## DOC—NOAA

## Proposed Rule Stage

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	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR67

### 561. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR72

### 562. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AR78

### 563. INDIVIDUAL FISHING QUOTA FOR GUIDED RECREATIONAL CHARTER HALIBUT FISHERY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 1540

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This regulatory amendment would modify the Individual Fishing Quota (IFQ) Program by incorporating the guided recreational charter halibut fishery (Charter fishery) into the existing IFQ program for the fixed-gear commercial fishery (Commercial fishery) as defined by specific elements of the proposed action.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR96

### 564. 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

## DOC—NOAA

## Proposed Rule Stage

governs the establishment and operations of such councils. This rule is intended to implement the Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**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

### 565. 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	02/00/06	
NPRM Comment Period End	03/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

Phone: 907 586-7221

Fax: 907 586-7249

**RIN:** 0648-AS13

### 566. AMENDMENT 13 TO FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO, U.S. WATERS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AS15

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

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

**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-AS22

### 568. 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	01/00/06	
NPRM Comment Period End	02/00/06	

**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-AS25

## DOC—NOAA

## Proposed Rule Stage

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** NPRM, Statutory, March 2006, Final, Statutory, Final regulations must be published within 30 days of NPRM comment period.

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	01/00/06	
Final Action	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

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

**RIN:** 0648-AS29

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AS31

**571. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REDUCING SEA TURTLE TAKES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 635

**Legal Deadline:** None

**Abstract:** This action would amend the regulations governing the Atlantic pelagic longline fishery based upon a June 1, 2004, Biological Opinion regarding Atlantic sea turtles. This amendment could include framework mechanisms that would allow the Agency to take action, such as partial or rolling closures or gear or effort restrictions, if the number of sea turtle interactions or mortalities exceed anticipated levels during a certain period of time. This action would not change established quotas for target species and is not expected to change overall effort in the fishery.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/12/04	69 FR 49858
ANPRM Comment Period End	10/12/04	
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John H. Dunnigan, Director, Office of Sustainable

Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910

Phone: 301 713-2334

**RIN:** 0648-AS49

**572. ESTABLISH MANAGEMENT MEASURES FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS BOTTOMFISH FISHERY UNDER THE WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUND FISH FMP**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** NPRM, Statutory, February 2005.

Final, Statutory, April 2005.

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	01/00/06	
Final Action	04/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AS63

**573. REVISE PRECIOUS CORAL MEASURES TO INCREASE THE PROTECTION OF BLACK CORAL RESOURCES IN HAWAII**

**Priority:** Substantive, Nonsignificant

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

## DOC—NOAA

## Proposed Rule Stage

**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	01/00/06	
NPRM Comment Period End	02/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AS64

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** The purpose of the amendment is to develop a regulatory permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf 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	01/00/06	
NPRM Comment Period End	03/00/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AS65

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** NPRM, Statutory, April 2005.

Final, Statutory, June 2005.

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric

Administration, National Marine Fisheries Service, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308

**RIN:** 0648-AS66

#### 576. 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 Period End	08/00/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AS67

## DOC—NOAA

## Proposed Rule Stage

**577. 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 would address whether to allow the current moratorium on the issuance of reef fish charter vessel/headboat (recreational for-hire) permits to expire on June 16, 2006, to extend the moratorium for a finite period (5 or 10 years), or replace the moratorium with a limited access system.

**Timetable:**

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

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

**RIN:** 0648-AS68**578. 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 would address whether to allow the current moratorium on the issuance of coastal migratory pelagic charter vessel/headboat (recreational for-hire) permits to expire on June 16, 2006, or to extend the moratorium for a finite period (5 or 10 years), or replace the moratorium with a limited access system.

**Timetable:**

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

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

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

**RIN:** 0648-AS70**579. 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	01/00/06	
NPRM Comment Period End	02/00/06	

**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: 808 973-2937

**RIN:** 0648-AS71**580. AMENDMENT TO REGULATIONS IMPLEMENTING THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT OF 1984****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 2431 et seq**CFR Citation:** 50 CFR 300 subpart G**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

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

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

**RIN:** 0648-AS75**581. 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.

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

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

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

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

**RIN:** 0648-AS77**582. HALIBUT AND SABLEFISH IFQ PROGRAM AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq; 16 USC 773 et seq**CFR Citation:** 50 CFR 300; 50 CFR 679**Legal Deadline:** None

**Abstract:** The proposed 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	11/00/05	
NPRM Comment	12/00/05	
Period End		

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

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

**Related RIN:** Merged with 0648-AR90**RIN:** 0648-AS84**583. FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; WEST COAST SALMON FISHERIES; AMENDMENT 14; ESSENTIAL FISH HABITAT (EFH) DESCRIPTIONS FOR PACIFIC SALMON****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

**Abstract:** This action would implement Amendment 14 to the Pacific Salmon Fishery Management Plan (Salmon FMP) to identify and describe Essential Fish Habitat (EFH) for Pacific salmon. The intent of this rule is to codify the EFH identifications and descriptions for freshwater and marine habitats of Pacific salmon managed under the Salmon FMP, including chinook, coho, and pink salmon in Washington, Oregon, and California. In addition, the intent of this rule is to comply with the October 1, 2003, court order of the U.S. District Court for the District of Idaho, and to promote the conservation and enhancement of Pacific salmon EFH.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment	12/00/05	
Period End		

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

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

**RIN:** 0648-AS96**584. 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
NPRM	11/00/05	
NPRM Comment	12/00/05	
Period End		

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

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

**RIN:** 0648-AT09**585. AMENDMENT 11 TO THE COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, September 2005.

Final, Statutory, December 2005.

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment	11/00/05	
Period End		
Final Action	12/00/05	

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

## DOC—NOAA

## Proposed Rule Stage

**Government Levels Affected:** None

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

**RIN:** 0648-AT11

**586. 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 in 2004 and established a rebuilding plan, commercial quota, and a recreational target catch level for red grouper. Secretarial Amendment 1 also reduces the commercial quotas for deep-water and shallow-water grouper. In 2004, the commercial deep-water and shallow-water grouper fisheries were closed to prevent quota overruns. At the industry's request, the Gulf of Mexico Fishery Management Council (Council) requested that NMFS develop an emergency rule establishing trip limits in 2005 to prolong the commercial fishing season. In March 2005, the Council also requested that NMFS implement interim regulations for the recreational red grouper fishery to return landings to the recreational target catch level. Recreational red grouper landings were slightly above the target catch level in 2003 and well above the target catch level in 2004. The purpose of this regulatory amendment is to adjust regulatory management measures for the Gulf of Mexico red grouper fishery. The regulatory amendment evaluates commercial grouper trip limit alternatives to reduce the adverse socioeconomic effects of derby fishing. The regulatory amendment also evaluates a range of management measures to return recreational landings to levels specified in the red grouper rebuilding plan.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AT12

**587. 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 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	11/00/05	
NPRM Comment Period End	12/00/05	

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

**RIN:** 0648-AT13

**588. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AT19

**589. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State



## 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-AT20

#### 590. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AT21

#### 591. 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	11/00/05	
NPRM Comment Period End	12/00/05	

**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

#### 592. 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	01/00/06	
NPRM Comment Period End	02/00/06	

**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-AT24

#### 593. 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	11/00/05	
NPRM Comment Period End	11/00/05	

**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

#### 594. FRAMEWORK 16 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	10/00/05	
NPRM Comment Period End	11/00/05	

**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

#### 595. 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	11/00/05	
NPRM Comment Period End	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

## DOC—NOAA

## Proposed Rule Stage

**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

### 596. 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	02/00/06	
NPRM Comment Period End	03/00/06	

**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

### 597. 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	11/00/05	

Action	Date	FR Cite
--------	------	---------

NPRM Comment Period End	01/00/06	
----------------------------	----------	--

**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-AT29

### 598. 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 (ISFMP) Plan 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	11/00/05	
NPRM Comment Period End	12/00/05	

**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

### 599. WEST COAST HIGHLY MIGRATORY SPECIES, CORRECTING AMENDMENT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This rule will make clarifications and corrections to the final rules published to implement the Fishery Management Plan for U.S. West Coast Highly Migratory Species.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**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, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

**RIN:** 0648-AT32

### 600. • 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

## DOC—NOAA

## Proposed Rule Stage

**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.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AT37

**601. • 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	10/00/05	

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AT43

**602. • 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	12/00/05	
NPRM Comment Period End	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AT54

**603. • 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	12/00/05	
NPRM Comment Period End	01/00/06	

**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: 808 973-2937

**RIN:** 0648-AT55

**604. • 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

**Abstract:** This rule would amend the Pacific halibut catch sharing plan to provide more flexibility in managing the recreational fisheries inseason in order to fully utilize the available halibut; allocate halibut fishing opportunities between the May and June recreational fisheries off

## DOC—NOAA

## Proposed Rule Stage

Washington's north coast; and prohibit fishing for halibut in areas where yelloweye rockfish, an overfished species, are commonly found. This rule would also propose sport fishing seasons for 2006 that implement the catch sharing plan based on the expected total allowable catch in 2006 that is established by the International Pacific Halibut Commission.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	
NPRM Comment Period End	02/00/06	

**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-AT56

**605. • 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	12/00/05	
NPRM Comment Period End	01/00/06	

**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-AT57

**606. • 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 establish a limited access program for the Atlantic mackerel fishery.

**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-AT58

**607. • 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 CFRV 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	12/00/05	
NPRM Comment Period End	01/00/06	

**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-AT59

**608. • 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 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-AT60

**609. • SPECIFICATIONS FOR THE 2007 FISHING YEAR FOR THE 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 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 Period End	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

## 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-AT61

### 610. • 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	03/00/06	
NPRM Comment Period End	04/00/06	

**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-AT62

### 611. • 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	
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

### 612. • 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

### 613. • 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	

Action	Date	FR Cite
--------	------	---------

NPRM Comment  
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-AT66

### 614. • 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

### 615. • 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)

## DOC—NOAA

## Proposed Rule Stage

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	11/00/05	
NPRM Comment Period End	12/00/05	

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

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

**RIN:** 0648-AT71

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq; 16 USC 971 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

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

2006 fishing year (June 1, 2006—May 31, 2007). This action will implement the U.S. annual BFT quota as recommended by the International Commission for the Conservation of Atlantic tunas and allocate that quota among the domestic fishing categories. General category effort controls will allocate time-period subquotas and set certain restricted fishing days. The seasonal management measures would propose daily retention limits and their duration for both the General and Angling categories. NMFS would also amend the Highly Migratory Species Fishery Management Plan which could potentially amend the duration the 2006 fishing year (June 1, 2006—December 31, 2006). An abbreviated 2006 fishing year, from June 1, 2006 through December 31, 2006, would be necessary to transition BFT from the current fishing year to a calendar year. Overall impacts to BFT fisheries from abbreviated 2006 fishing year are anticipated to be minimal since BFT fisheries are already strictly managed with seasons, size limits, and subquotas, any impacts are expected to be minor.

**Timetable:**

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

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

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

**RIN:** 0648-AT72

### 617. • 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	11/00/05	
NPRM Comment Period End	12/00/05	

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

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

**RIN:** 0648-AT73

### 618. • 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	11/00/05	
NPRM Comment Period End	12/00/05	

## DOC—NOAA

## Proposed Rule Stage

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

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

**RIN:** 0648-AT74**619. • REGULATORY AMENDMENT 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 regulatory amendment would: (1) Establish management measures to end overfishing of vermilion 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	12/00/05	
NPRM Comment Period End	01/00/06	

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

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

**RIN:** 0648-AT75**620. • 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	12/00/05	
NPRM Comment Period End	01/00/06	

**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-AT76**621. • REVISION OF CRITICAL HABITAT FOR THE NORTHERN RIGHT WHALE (EUBALAENA GLACIALIS)****Priority:** Substantive, Nonsignificant**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	11/00/05	
NPRM Comment Period End	12/00/05	

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

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

**RIN:** 0648-AT84**622. • 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	11/00/05	
NPRM Comment Period End	12/00/05	

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

DOC—NOAA

Proposed Rule Stage

**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

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 263 13th Avenue South, St. Petersburg, FL 33701  
 Phone: 727 824-5305  
 Fax: 727 824-5308  
**RIN:** 0648-AT86

**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 263 13th Avenue South, St. Petersburg, FL 33701  
 Phone: 727 824-5305  
 Fax: 727 824-5308  
**RIN:** 0648-AT87

**623. • 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
NPRM	01/00/06	
NPRM Comment Period End	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**624. • JOINT AMENDMENT TO THE FISHERY MANAGEMENT PLANS FOR THE SHRIMP FISHERY (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 reef fish fisheries. Approval and implementation of the joint amendment would better address National Standards 1 and 9 of the Magnuson-Stevens Fishery Conservation and Management Act.

**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:** None

**625. • CONTROL DATE FOR THE SOUTH ATLANTIC SNAPPER GROUPEL FISHERY**

**Priority:** Info./Admin./Other  
**Legal Authority:** 16 USC 1801 et seq; 16 USC 5101et 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
NPRM	05/00/06	
NPRM Comment Period End	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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

**RIN:** 0648-AT88

**626. 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



## DOC—NOAA

## Proposed Rule Stage

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	01/04/00	65 FR 270
ANPRM Comment Period End	03/06/00	
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**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

**627. 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

**628. 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	01/00/06	
NPRM Comment Period End	03/00/06	

**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

**629. RIGHT WHALE SHIP STRIKE REDUCTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1361

**CFR Citation:** 50 CFR 224

**Legal Deadline:** None

**Abstract:** These regulations are to 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	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**URL For More Information:**

[www.nmfs.noaa.gov/pr/pr2](http://www.nmfs.noaa.gov/pr/pr2)

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

**RIN:** 0648-AS36

**630. • 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

## DOC—NOAA

## Proposed Rule Stage

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	12/00/05	
NPRM Comment	01/00/06	
Period End		

**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

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 216.01

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the Monterey Bay National Marine Sanctuary for an authorization under the MMPA to take marine mammals, by harassment, incidental to permitting professional fireworks displays within Sanctuary waters. As a result of this request, NMFS will propose regulations, that if implemented, would govern the incidental taking of marine mammals by Eglin Air Force Base for this activity. In order to promulgate regulations and issue an LOA

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/06	
NPRM Comment	04/00/06	
Period End		

**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

**RIN:** 0648-AT46

**632. • 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 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	11/00/05	
NPRM Comment	12/00/05	
Period End		

**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

**RIN:** 0648-AT77

**633. • 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	11/00/05	
NPRM Comment	12/00/05	
Period End		

**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.

## DOC—NOAA

## Proposed Rule Stage

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

**RIN:** 0648-AT78

**634. • TAKING AND IMPORTING OF MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO THE EXPLOSIVE REMOVAL OF OFFSHORE STRUCTURES IN THE GULF OF MEXICO**

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 216.101

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has received a request from the Minerals Management Service (MMS), U.S. Department of the Interior, on behalf of offshore operators, for authorization to harass marine mammals incidental to explosive severance activities at offshore oil and gas structures in the Gulf of Mexico outer continental shelf. In compliance with Outer Continental Shelf Lands Act regulations and MMS guidelines, operators are required to remove sea-floor obstructions from their leases within one year of lease termination or after a structure has been deemed obsolete or unusable. As a result of this request, NMFS is proposing regulations, that if implemented, would govern the incidental taking of marine mammals under individual Letters of Authorization (LOAs) issued to participants in this industry to take marine mammals by harassment and non-serious auditory impairment. In order to promulgate regulations and issue LOAs thereunder, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**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-AT79

**635. • 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	11/00/05	
NPRM Comment Period End	12/00/05	

**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-AT80

**636. • 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	11/00/05	
NPRM Comment Period End	12/00/05	

**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-AT81

**637. • 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	

Action	Date	FR Cite
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

Fax: 502 980-4027

**RIN:** 0648-AT82

**638. • 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, 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-AT83

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

**639. NORTHWEST HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY; DESIGNATION AND IMPLEMENTATION OF REGULATIONS**

**Regulatory Plan:** This entry is Seq. No. 28 in part II of this issue of the **Federal Register**.

**RIN:** 0648-AS83

**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	01/00/06	
NPRM Comment Period End	03/00/06	

**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

**641. 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

**640. 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)

## DOC—NOAA

## Proposed Rule Stage

Monterey Bay National Marine Sanctuary.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	
NPRM Comment Period End	03/00/06	

**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

#### 642. 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	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AT17

#### 643. 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	01/00/06	

**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

#### 644. 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	01/00/06	
NPRM Comment Period End	03/00/06	

**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)

Final Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

## 645. 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

## 646. 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	
To Be Withdrawn	11/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** John Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1917  
Email: john.dunnigan@noaa.gov**RIN:** 0648-AK40

## 647. FISHERIES OF THE UNITED STATES; NATIONAL STANDARD 1

**Regulatory Plan:** This entry is Seq. No. 29 in part II of this issue of the **Federal Register**.**RIN:** 0648-AQ63

## 648. 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	12/00/05	

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

Phone: 808 973-2937

**RIN:** 0648-AQ91

## 649. 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	11/00/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine

## DOC—NOAA

## Final Rule Stage

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

RIN: 0648-AS16

### 650. 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	10/00/05	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Phone: 808 973-2937

RIN: 0648-AS30

### 651. 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	11/00/05	

#### 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

### 652. FEE SYSTEM FOR REPAYMENT OF THE LOAN TO HARVESTERS 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 Action	11/00/05	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael L. Grable, Chief, Financial Services Division,

Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2390  
Email: michael.grable@noaa.gov

RIN: 0648-AS46

### 653. AMENDMENTS 18 AND 19 TO THE FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS—CRAB RATIONALIZATION PROGRAM

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

**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:** This action would rationalize the Bering Sea and Aleutian Islands crab fisheries in the United States Exclusive Economic Zone off Alaska by amending the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs. The goal of rationalization is to end the race for fish and solve the problems of overcapacity while providing for a balanced distribution of benefits and improving fisheries management and resource conservation.

#### 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	11/00/05	

#### Regulatory Flexibility Analysis

**Required:** Yes

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

**Government Levels Affected:** Federal, Local, State

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

## DOC—NOAA

## Final Rule Stage

Fax: 907 586-7249

RIN: 0648-AS47

**654. 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	11/00/05	

**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, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

RIN: 0648-AS59

**655. 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	
Other/Comment Period Extended	01/05/05	70 FR 776
Other/Comment Period Extended	08/25/05	70 FR 49902
Final Action	12/00/05	

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

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

RIN: 0648-AS78

**656. 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

Action	Date	FR Cite
NPRM Comment Period End	09/07/05	
Final Action	11/00/05	

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

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

RIN: 0648-AS80

**657. 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	11/00/05	

**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, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802



## DOC—NOAA

## Final Rule Stage

Phone: 562 980-4040

**Related RIN:** Related to 0648-AP42

**RIN:** 0648-AS89

### 658. 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	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AS93

### 659. 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	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AT04

### 660. 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	10/00/05	

**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

### 661. 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 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	11/00/05	

## DOC—NOAA

## Final Rule Stage

**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, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

**RIN:** 0648-AT33

**662. 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	04/00/06	

**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

**663. • 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	11/00/05	

**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

**664. • 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:** This temporary rule implements 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
Final Action	11/00/05	

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

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

**RIN:** 0648-AT45

**665. • MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT PROVISIONS; FISHERIES OF THE NORTHEASTERN U.S.; FISHERY CLOSURE DUE TO THE PRESENCE OF THE TOXIN THAT CAUSES PARALYTIC SHELLFISH POISONING**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1855(c)**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) is promulgating this rule to close portions of Federal waters of the Gulf of Maine, Georges Bank, and southern New England to the harvest of shellfish (bivalves), with the exception of sea scallop adductor muscles harvested and shucked at sea, due to the presence of the toxin that causes paralytic shellfish poisoning. The concentrations of the toxins in state and adjacent Federal waters is great enough to warrant a public health emergency. The closure will remain in effect until the circumstances that created the emergency no longer exist.

## DOC—NOAA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/16/05	70 FR 35047
Interim Final Rule Comment Period End	07/18/05	
Comment Period Extended	11/00/05	

**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

**666. • 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	11/00/05	

**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

**667. • 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	11/00/05	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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

RIN: 0648-AT64

**668. • 2006 SCALLOP RESEARCH SET-ASIDE REQUEST FOR PROPOSALS**

Priority: Info./Admin./Other

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% of the overall Days-At-Sea (DAS) for use in open areas and 2% 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
Notice	11/00/05	

**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

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 300

**Legal Deadline:** None

**Abstract:** This rule will close the U.S. longline bigeye tuna fishery in the ETP. NMFS determined that the U.S. longline bigeye catch was reached July 2005. These measures are intended to limit 2005 fishing effort and fishing mortality and contribute to maintaining tuna stocks at levels that will sustain the stocks at maximum sustainable yield. The measures are proposed consistent with a recommendation made by the Inter-American Tropical Tuna Commission (IATTC) and approved by the Department of State. The U.S. fleets in the ETP will be subject to these management measures on an equal footing with vessels from nations party to the IATTC Convention. U.S. longline bigeye tuna fishing vessels fishing in the Convention Area will continue to be able to fish outside of the Convention Area. Therefore, the economic impacts would not be expected to be significant. Further, all member nations' fleets would be subject to the same limits so the U.S. would not be disadvantaged relative to foreign fleets. There has historically been little U.S. longline fishing in the Convention Area and the limit on catch to 2001 levels is not expected to affect those vessels significantly.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/05	

**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, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

**RIN:** 0648-AT70

**670. HYDROPOWER/MANDATORY CONDITIONS REVIEW PROCESS (MCRP) RULE**

**Priority:** Other Significant

**Legal Authority:** 16 USC 811

**CFR Citation:** 50 CFR 221

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rolland Schmitt, Director, Office of Habitat Conservation, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910-3282

Phone: 301 713-2325

Fax: 301 713-1043

Email: rolland.schmitt@noaa.gov

**RIN:** 0648-AS55

**671. 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	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Tribal, Federal

**Agency Contact:** Thomas C. Eagle, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13725, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2055

Fax: 301 713-4060

Email: tom.eagle@noaa.gov

**RIN:** 0648-AO16

## DOC—NOAA

## Final Rule Stage

**672. 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	06/00/06	

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

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

**RIN:** 0648-AP62**673. 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	01/00/06	

**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:** Laurie Allen, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2332

**RIN:** 0648-AR39**674. 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	11/00/05	

**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

**675. 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	11/00/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Federalism:** This action may have federalism implications as defined in EO 13132.

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

**RIN:** 0648-AS01**676. 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	11/00/05	

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

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

**RIN:** 0648-AS92**677. 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.

**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	11/00/05	

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

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

**RIN:** 0648-AS95**678. 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	11/00/05	

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

**Agency Contact:** Laurie Allen, Director, Office of Protected Resources,

## DOC—NOAA

## Final Rule Stage

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

### 679. 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 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 Action	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AT02

### 680. • 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
NPRM Comment Period End	08/17/05	
Final Action	12/00/05	

**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, Room 13725, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2055  
Fax: 301 713-4060  
Email: tom.eagle@noaa.gov

**Related RIN:** Related to 0648-AO40

**RIN:** 0648-AT49

### 681. 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	12/00/05	

**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

## DOC—NOAA

**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****682. GRAY'S REEF NATIONAL MARINE SANCTUARY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1434; 16 USC 1439**CFR Citation:** 15 CFR 922.90 to 922.92**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62033
NPRM Comment Period End	12/31/03	
Final Action	11/00/05	

**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

**683. CERTIFICATION REQUIREMENTS FOR NOAA ELECTRONIC NAVIGATIONAL CHART DISTRIBUTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 892(a) to 892(b); HSIA 2002, sec 303; HSIA 2002, sec 304**CFR Citation:** 50 CFR 995

**Legal Deadline:** NPRM, Statutory, December 19, 2004, By not later than 2 years after the date of enactment of the HSIA Amendments of 2002. Mandate to certify hydrographic products that satisfy the standards promulgated by the Administrator no later than 2 years after the date of enactment of the Hydrographic Services Improvement Act Amendments of 2002.

**Abstract:** The National Oceanic and Atmospheric Administration (NOAA) amends its regulations to add certification requirements with standards for applicants who want to distribute NOAA Electronic Navigational Charts (NOAA ENC) as official data. NOAA intends to offer two types of certification. The first type, "Certified NOAA ENC Distributor," is for NOAA ENCs downloading, exact copying, and redistribution of those copies of NOAA ENCs data. The second type, "Certified NOAA ENC Value Added Distributor," permits reformatting official NOAA

ENCs into a System Electronic Navigational Chart (SENC) using type-approved software, and distribution of that SENC. Both types of certification result in products that meet Federal chart carriage regulations. Both types of certification permit, but do not require, compression, encryption, and packaging with other data. NOAA intends by this action to assure that quality official NOAA ENC data is offered to the public in support of safe navigation on U.S. waters.

**Timetable:**

Action	Date	FR Cite
NPRM	10/15/04	69 FR 61165
Final Action	11/00/05	

**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****684. 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) The 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	12/00/05	

**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, NOAA GCW, 1315 East-West Highway, Room 15861, Silver Spring, MD 20910  
Phone: 301 713-1337



DOC—NOAA

Final Rule Stage

Fax: 301 713-1494

RIN: 0648-AT00

## Department of Commerce (DOC)

## Long-Term Actions

## National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES  
SERVICE685. 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

CFR Citation: 50 CFR 216

## Timetable:

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

Regulatory Flexibility Analysis  
Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tanya Dobrzynski  
Phone: 301 713-2289

RIN: 0648-AH26

NATIONAL OCEAN SERVICE/OFFICE  
OF OCEAN AND COASTAL  
RESOURCE MANAGEMENT686. 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: NoGovernment Levels Affected:  
UndeterminedAgency Contact: David W. Kaiser  
Phone: 301 713-3155  
Fax: 301 713-4367  
Email: david.kaiser@noaa.gov

RIN: 0648-AP98

NATIONAL OCEAN SERVICE/OFFICE  
OF MINERAL ENERGY687. COASTAL ZONE MANAGEMENT  
ACT FEDERAL CONSISTENCY  
REGULATIONS

Priority: Other Significant

CFR Citation: 15 CFR 930

## Timetable:

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

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: David W. Kaiser

Phone: 301 713-3155  
Fax: 301 713-4367  
Email: david.kaiser@noaa.gov

RIN: 0648-AR16

## OFFICE OF THE ADMINISTRATOR

688. REGIONAL MARINE RESEARCH  
PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Don Scavia

Phone: 301 713-3060

RIN: 0648-AF20

## Department of Commerce (DOC)

## Completed Actions

## National Oceanic and Atmospheric Administration (NOAA)

**689. REGULATORY AMENDMENT MODIFYING THE GULF OF MEXICO BRD FRAMEWORK UNDER THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO (FMP)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, September 2005, Final regulations to be published within 30 days of end of NPRM comment period.**Abstract:** In accordance with the FMP's framework procedure for regulatory adjustments, the Gulf Council requested that NMFS develop alternative data collection procedures and statistical tests to certify bycatch reduction devices (BRDs) for use in the shrimp fishery of the Gulf of Mexico. The regulation would provide additional flexibility in sampling procedures to facilitate BRDs meeting the testing/certifying protocol's requirements while maintaining the scientific and statistical credibility in achieving the FMP's established bycatch reduction criterion for certified BRDs.**Timetable:**

Action	Date	FR Cite
Withdrawn	08/09/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308**RIN:** 0648-AN84**690. AMENDMENT 22 TO THE REEF FISH FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.**Abstract:** This plan amendment establishes a revised red snapper stock

rebuilding plan and red snapper overfishing targets and thresholds, all intended to meet requirements of the Magnuson-Stevens Fishery Conservation and Management Act as amended by the Sustainable Fisheries Act of 1996. In addition, this amendment will address bycatch reporting requirements of the reef fish fishery.

**Timetable:**

Action	Date	FR Cite
Notice	08/04/04	69 FR 46518
NPRM	11/23/04	69 FR 68119
NPRM Comment	01/07/05	
Period End		
Final Action	06/02/05	70 FR 32266

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 263 13th Avenue South, St. Petersburg, FL 33701  
Phone: 727 824-5305  
Fax: 727 824-5308**RIN:** 0648-AP02**691. AMENDMENT 2 TO MONKFISH FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** Amendment 2 to the Monkfish Fishery Management Plan would address essential fish habitat and bycatch issues and revise the management program.**Timetable:**

Action	Date	FR Cite
NPRM	01/14/05	70 FR 2586
NPRM Comment	02/14/05	
Period End		
Comment Period Extended	02/24/05	70 FR 9029
NPRM Comment	03/07/05	
Period Extended		
Final Action	04/28/05	70 FR 21927

**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-AQ25**692. AMENDMENT 11 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION (AMERICAN SAMOA LONGLINE LIMITED ACCESS PERMIT PROGRAM)****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** Amendment 11 would establish a limited access program for the pelagic longline fishery for the EEZ around American Samoa.**Timetable:**

Action	Date	FR Cite
Notice	06/23/04	69 FR 34988
NPRM	07/22/04	69 FR 43789
NPRM Comment	09/07/04	
Period End		
Final Action	05/24/05	70 FR 29646
Correction	06/09/05	70 FR 33719
Correction	07/18/05	70 FR 41163

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814  
Phone: 808 973-2937**RIN:** 0648-AQ92**693. ATLANTIC HIGHLY MIGRATORY SPECIES; AMENDMENTS TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC TUNAS, SWORDFISH, AND SHARKS AND THE FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISH****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635

## DOC—NOAA

## Completed Actions

**Legal Deadline:** None

**Abstract:** This rule will address numerous issues for the Atlantic tunas, swordfish, shark, and billfish fisheries. These issues include reviewing data for updates as part of a five-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; preventing overfishing of finetooth sharks and albacore tuna; adjusting bluefin tuna effort controls and quota allocations to improve management; considering changes to the fishing year definition and currently authorized gear types; and strengthening measures to reduce billfish mortality across all highly migratory species fisheries. This rule will also consider combining 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
Merged With 0648-AQ65	08/05/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East-West

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

**Related RIN:** Merged with 0648-AR61  
**RIN:** 0648-AR60

**694. GEAR IDENTIFICATION MARKINGS ON BUOYS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Merged With 0648-AS84	06/10/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AR90

**695. CDQ TRANSFER, ELIGIBLE VESSELS, AND FISHING PLAN REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This rule would implement revisions to regulations governing the Western Alaska Community Development Quota Program. The revisions would simplify the process for making quota transfers, identifying eligible vessels, and obtaining approval

of alternative fishing plans by removing some information requirements and by removing the requirement that applications for these actions be approved by the State of Alaska before being submitted to NMFS.

**Timetable:**

Action	Date	FR Cite
NPRM	11/26/04	69 FR 68865
NPRM Comment Period End	12/27/04	
Final Action	03/24/05	70 FR 15010

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

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

**RIN:** 0648-AS00

**696. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC SARDINE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, January 1, 2005, The CPS fisheries regulations require that the annual specs for Pacific sardine be published in the FR before January 1, the start of the fishing year.

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/04	69 FR 70973

## DOC—NOAA

## Completed Actions

Action	Date	FR Cite
NPRM Comment	12/23/04	
Period End		
Final Action	06/22/05	70 FR 36053

**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, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

**RIN:** 0648-AS17

**697. AMENDMENT 23 TO THE REEF FISH FISHERY MANAGEMENT PLAN TO SET VERMILION SNAPPER SUSTAINABLE FISHERIES ACT TARGETS AND THRESHOLDS AND TO ESTABLISH A PLAN TO END OVERFISHING AND REBUILD THE STOCK**

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

**Abstract:** In October 2003, the National Marine Fisheries Service (NMFS) issued a determination that the Gulf of Mexico vermilion snapper stock is overfished. The stock had been previously determined to be undergoing overfishing in November 1999. These determinations were based on vermilion snapper stock assessments conducted in 1999 and 2001. Once a stock has been determined to be overfished, the Magnuson-Stevens Act requires the Gulf of Mexico Fishery Management Council within one year to submit a plan to NMFS to end overfishing and rebuild the stock to a level capable of sustaining maximum sustainable yield on a continuing basis. This rebuilding plan contains alternatives that would rebuild the stock in less than 10 years. Measures to reduce commercial and recreational fishing mortality so that the stock can rebuild include vermilion snapper size limits, bag limits, trip limits, quotas, and closed seasons. In addition, alternatives for establishing vermilion snapper biological reference points and status determination criteria are included in the plan.

**Timetable:**

Action	Date	FR Cite
Notice	02/24/05	70 FR 9028
Notice Comment	04/25/05	
Period End		
NPRM	03/09/05	70 FR 11600
NPRM Comment	04/25/05	
Period End		
Final Action	06/08/05	70 FR 33385

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

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

**RIN:** 0648-AS19

**698. ANNUAL RECREATIONAL SPECIFICATIONS FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY FOR FISHING YEAR 2005**

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

**Abstract:** This action would establish the recreational specifications for fishing year 2005 for the summer flounder, scup, and black sea bass fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/05	70 FR 12639
NPRM Comment	03/30/05	
Period End		
Final Action	06/16/05	70 FR 35042

**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-AS21

**699. SPECIFICATIONS FOR THE 2005 FISHING YEAR FOR THE ATLANTIC HERRING FISHERY**

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

**Abstract:** This action would implement specifications for the 2005 fishing year (January 1, 2005-December 31, 2005) for the Atlantic herring fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/05	70 FR 4808
NPRM Comment	03/02/05	
Period End		
Final Action	04/28/05	70 FR 21971

**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-AS23

**700. SPECIFICATIONS FOR THE SPINY DOGFISH FISHERY FOR FISHING YEAR 2005**

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

**Abstract:** This action would establish specifications for the Spiny Dogfish Fishery for fishing year 2005 (May 1, 2005-April 30, 2006).

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/05	70 FR 12168
NPRM Comment	03/28/05	
Period End		
Final Action	05/03/05	70 FR 22806

**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

## Completed Actions

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

RIN: 0648-AS24

#### 701. FRAMEWORK 40B TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This framework would implement measures to provide for use of regular B days-at-sea, new special access programs, and other measures related to the management of the Northeast Multispecies fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/05	70 FR 15803
NPRM Comment Period End	04/18/05	
Final Action	06/01/05	70 FR 31323

**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-AS33

#### 702. FRAMEWORK 1 TO THE RED CRAB FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This framework would implement a multi-year specification process for the deep sea red crab fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/05	70 FR 29265
NPRM Comment Period End	06/20/05	
Final Action	08/01/05	70 FR 44066

**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-AS35

#### 703. AMENDMENT NUMBER 15 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC REGION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** Amendment 15 provides alternatives to address the current commercial king mackerel permit moratorium that will be expiring on October 15, 2005. Alternatives include possible extensions of the moratorium for a finite period of time or to establish a limited access license for an indefinite period of time. Amendment 15 also provides alternatives to potentially change the fishing year for Atlantic migratory group king and Spanish mackerel from an April 1 through March 31 period to a March 1 through February 28/29 period or a January 1 through December 31 period.

**Timetable:**

Action	Date	FR Cite
Notice	03/07/05	70 FR 10933
Comment Period End	05/06/05	
NPRM	03/18/05	70 FR 13152
NPRM Comment Period End	05/02/05	
Final Action	07/07/05	70 FR 39187

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

Fax: 727 824-5308

RIN: 0648-AS53

#### 704. 2005-2006 MANAGEMENT MEASURES FOR COMMERCIAL, RECREATIONAL, AND TREATY INDIAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, May 1, 2005, The fishery must open on May 1.

**Abstract:** The annual management measures for the 2004-20005 fishing year specify allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selective fisheries, and in-season notice procedures.

**Timetable:**

Action	Date	FR Cite
Final Action	05/04/05	70 FR 23054

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

RIN: 0648-AS58

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** Amendment 24 will address whether to allow the current moratorium on the issuance of reef fish permits to expire on December 31, 2005, and the reef fish fishery to revert to open access, to extend the moratorium for a finite period (5 or 10

## DOC—NOAA

## Completed Actions

years), or to replace the moratorium with a limited access system.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/05	70 FR 17401
NPRM Comment Period End	06/06/05	
NPRM	04/23/05	70 FR 21170
NPRM Comment Period End	06/09/05	
Final Action	07/18/05	70 FR 41161

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**RIN:** 0648-AS69

**706. ANNUAL ADJUSTMENT TO MEASURES FOR THE MONKFISH FISHERY FOR THE 2005 FISHING YEAR**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13156
NPRM Comment Period End	04/04/05	
Final Action	04/28/05	70 FR 22242

**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-AS72

**707. ADJUSTMENT OF QUOTA OVERAGES IN THE U.S./CANADA AREA**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/14/05	70 FR 19724
NPRM Comment Period End	05/16/05	
Final Action	07/07/05	70 FR 39190

**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-AS74

**708. SEAFOOD DEALER REPORTING AND RECORDKEEPING REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would modify reporting and recordkeeping requirements for dealers federally permitted in the summer flounder, scup, black sea bass, Atlantic sea scallop, Northeast multispecies, monkfish, Atlantic mackerel, squid, butterfish, Atlantic surfclam, ocean quahog, Atlantic herring, Atlantic deep-sea red crab, tilefish, Atlantic bluefish, skate and/or spiny dogfish fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	03/04/05	70 FR 10585

Action	Date	FR Cite
NPRM Comment Period End	03/21/05	
Final Action	04/28/05	70 FR 21976

**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-AS87

**709. COMMERCIAL GROUPEFISH FISHERY OF THE GULF OF MEXICO; ESTABLISHMENT OF A CONTROL DATE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** In anticipation of future action to establish regulations limiting participation in the grouper fishery of the Gulf of Mexico, the Gulf of Mexico Fishery Management Council (Council) has voted to establish a control date of October 15, 2004, for the commercial grouper fishery. The establishment of a control date does not commit the Council or the National Marine Fisheries Service to any particular management regime. A control date may be used as part of the qualifying criteria for entry into the fishery. Fishermen, however, are not guaranteed future participation in the fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The Council may choose to use a different control date or they may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen active in the fishery before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be applied for entry. The Council also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

## DOC—NOAA

## Completed Actions

**Timetable:**

Action	Date	FR Cite
Final Action	11/16/04	69 FR 67106
Comment Period End	12/16/04	

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

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

**RIN:** 0648-AS88**710. FMP FOR THE SCALLOP FISHERY OFF ALASKA AMENDMENT 10****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773; 16 USC 1801; 16 USC 3631**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This rulemaking would modify the gear endorsements under a license limitation program (scallop LLP) for the scallop fishery. The LLP limits access to the commercial scallop fisheries in the exclusive economic zone (EEZ) off Alaska. This rulemaking would change the 6-foot dredge restriction endorsement in the scallop LLP to a two 10-foot dredge (or two dredges with a combined width of 20 ft) restriction endorsement. This change would allow two LLP holders with the current endorsement to fish in Federal waters outside Cook Inlet with a maximum of two ten-foot dredges.

**Timetable:**

Action	Date	FR Cite
PR/Notice of Availability	03/24/05	70 FR 15063
NOA/Comment Period End	05/23/05	
NPRM	04/13/05	70 FR 19409
NPRM Comment Period End	05/31/05	
Final Action	07/11/05	70 FR 39664

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

**Agency Contact:** James W. Balsiger, Administrator, Alaska Region,

Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249  
**RIN:** 0648-AS90

**711. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2005 BLUEFIN TUNA QUOTA SPECIFICATIONS AND EFFORT CONTROLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

**Abstract:** This action would implement specifications for the Atlantic bluefin tuna (BFT) fishery to set BFT quotas and General category effort controls for the 2005 fishing year. The purpose of this action is to 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. Effort controls for the General category would allocate monthly quotas and set certain restricted fishing days.

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14630
NPRM Comment Period End	04/18/05	
Final Action	06/07/05	70 FR 33033

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

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

**RIN:** 0648-AT01**712. AREA 4C/4D SELECTIVE IFQ/CDQ BOUNDARY PERMEABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq; 16 USC 773 et seq**CFR Citation:** 50 CFR 300; 50 CFR 679**Legal Deadline:** None

**Abstract:** This action would allow holders of Area 4C halibut Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) to harvest such halibut IFQ/CDQ in Area 4D. Currently, halibut IFQ and CDQ allocated in a particular area may only be harvested in that same area, in accordance with biomass-based quotas, except that halibut CDQ (only) allocated in Area 4D may be harvested in Area 4E. This action would also allow additional fishing opportunities to attain the assigned Area 4C IFQ and CDQ quotas for two Pribilof Island communities (St. Paul and St. George) in Area 4C, which are managed by two CDQ groups.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/05	70 FR 23829
NPRM Comment Period End	06/06/05	
Final Action	07/27/05	70 FR 43328

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

**Agency Contact:** James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7221  
Fax: 907 586-7249  
**RIN:** 0648-AT03

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

**Abstract:** This rule would modify trade restriction measures pursuant to recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) approved during the 2004 meeting. This rule would lift the trade restrictions on import of bigeye tuna from Cambodia; the ban on the import of bigeye tuna and bluefin tuna from Equatorial Guinea; and the trade restrictions on the import of bigeye tuna, bluefin tuna, and swordfish from Sierra Leone. This

## DOC—NOAA

## Completed Actions

rule would also correct section reference conflicts between two rules that published in the Federal Register on November 17, 2004, and December 6, 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/05	70 FR 11190
NPRM Comment Period End	04/07/05	
Final Action	05/17/05	70 FR 28218

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 0648-AT05

**714. 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 current management measures are consistent with the most recent landings information.

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/05	70 FR 11922
NPRM Comment Period End	03/25/05	
Final Action	04/27/05	70 FR 21673

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East-West

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

**RIN:** 0648-AT07

**715. FRAMEWORK ADJUSTMENT 17 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1801

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** Framework Adjustment 17 would revise a provision included in the Atlantic Sea Scallop Fishery Management Plan that allows vessels to terminate special access area trips early for unforeseen events. The revised provision eliminates an automatic charge and associated reduction in possession limit by allowing vessels to resume trips into the special access areas without loss of allowed scallop possession limit. Framework Adjustment 17 would also require that all vessels issued open access, General Category scallop permits that intend to land more than 40 pounds of scallops be equipped with electronic vessel monitoring systems to allow fishing activity to be monitored and tracked for enforcement and fishery evaluation purposes. General Category scallop vessels operating vessel monitoring systems would be allowed to turn off the vessel monitoring systems if the vessel does not have any scallops on board and while the vessel is secured to a fixed dock or mooring.

**Timetable:**

Action	Date	FR Cite
NPRM	06/02/05	70 FR 32282
NPRM Comment Period End	06/17/05	
Final Action	08/22/05	70 FR 48860

**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-AT10

**716. LIMITED ENTRY PROGRAM FOR LONGLINE AND DRIFT GILLNET VESSELS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, November 2005, Final rule must be published within 60 days of end of comment period on the proposed rule.

**Abstract:** This rule will establish a limited entry program and associated management measures for vessels fishing with longline and drift gillnet gear under the Fishery Management Plan for U.S. West Coast Highly Migratory Species.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/11/05	

**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, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802  
Phone: 562 980-4040

**RIN:** 0648-AT35

**717. • FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; ROUTINE MANAGEMENT MEASURE AUTHORITY TO CLOSE THE PACIFIC COAST DIRECTED GROUND FISH OPEN ACCESS FISHERIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This emergency rule establishes routine management measure authority, under the Pacific Coast Groundfish Fishery Management Plan (Pacific Coast Groundfish FMP), to reduce trip limits to incidental levels in the open access fishery for groundfish before the sector has taken its full target groundfish species' allocations, to minimize impacts on overfished species. This action establishes a mechanism that can be



## DOC—NOAA

## Completed Actions

used to quickly restrict the directed open access groundfish fishery if NMFS estimates that the incidental catch of an overfished species is too high.

**Timetable:**

Action	Date	FR Cite
Final Action	05/05/05	70 FR 23804

**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-AT38**718. • SPINY DOGFISH MANAGEMENT PROGRAM AND TRAWL INDIVIDUAL QUOTA PROGRAM****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) is considering implementing management measures for the spiny dogfish (*Squalus acanthias*) fishery off Washington, Oregon and California. This document announces a control date of April 8, 2005, for the spiny dogfish fishery. The control date for the spiny dogfish fishery is intended to discourage increased fishing effort in the limited entry and open access groundfish fisheries targeting spiny dogfish based on economic speculation while the Pacific Council develops and considers management measures for the spiny dogfish fishery. In addition, this document provides supplemental information on a control date for a limited entry groundfish trawl individual quota (IQ) program announced in the Federal Register on January 9, 2004 by clarifying that the control date does not preclude processors from being eligible to own quota as part of the trawl IQ program.

**Timetable:**

Action	Date	FR Cite
Final Action	05/24/05	70 FR 29713
Comment Period End	06/23/05	

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

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

**RIN:** 0648-AT40**719. • PACIFIC HALIBUT FISHERIES; SUBSISTENCE FISHING; CORRECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq; 16 USC 77S et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This document corrects a final rule published in the Federal Register amending the Subsistence Halibut Program. This correcting amendment corrects the description, geographic coordinates, and associated figures for the Anchorage/Matsu/Kenai non-subsistence marine waters area and the Local Area Management Plan (LAMP) for the halibut fishery in Sitka Sound in the Gulf of Alaska.

**Timetable:**

Action	Date	FR Cite
Final Action	07/18/05	70 FR 41159

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

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

**Related RIN:** Related to 0648-AR88**RIN:** 0648-AT44**720. • FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC; WESTERN PACIFIC BOTTOMFISH FISHERIES; MAIN HAWAIIAN ISLANDS; CONTROL DATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

**Abstract:** NMFS announces that persons who enter the bottomfish fishery in the U.S. Exclusive Economic Zone (EEZ) around the main Hawaiian Islands (MHI) after June 2, 2005, ("control date") are not guaranteed future participation in the fishery if the Western Pacific Fishery Management Council (Council) prepares and NMFS approves a program limiting entry or effort. This action does not commit the Council or NMFS to limit entry, or prevent any other date from being selected for eligibility to participate in the MHI bottomfish fishery. The Council or NMFS may also use other criteria to limit fishing effort or participation in a limited entry program that is developed in the future.

**Timetable:**

Action	Date	FR Cite
Final Action	07/13/05	70 FR 40305

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

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

**RIN:** 0648-AT47**721. • MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT PROVISIONS; FISHERIES OF THE NORTHEASTERN U.S.; FISHERY CLOSURE DUE TO PRESENCE OF TOXIN THAT CAUSES PARALYTIC SHELLFISH POISONING; CORRECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1855(c)**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** NMFS is clarifying emergency regulations that closed

## DOC—NOAA

## Completed Actions

portions of Federal waters of the Gulf of Maine, Georges Bank, and southern New England to the harvest of bivalve shellfish due to the presence of the toxin that causes Paralytic Shellfish Poisoning (PSP). This correction will allow for the collection and testing of samples for the toxin that causes PSP. In addition, this rule will correct the effective date for the definition of a "Category 1 herring vessel" and reinstate a prohibition on the sale of certain haddock that was inadvertently overwritten by the emergency rule.

**Timetable:**

Action	Date	FR Cite
Final Action	07/07/05	70 FR 39192

**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-AT51

### 722. ● CONTROL DATE FOR NON-LONGLINE COMMERCIAL PELAGIC FISHERIES IN EEZ AROUND HAWAII

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** NMFS announces that persons who enter the non-longline commercial pelagic fisheries (e.g., troll, handline, pole and line, etc.) in the U.S. Exclusive Economic Zone (EEZ) around the Hawaiian Islands after June 2, 2005 ("control date") are not guaranteed future participation in the fishery if the Western Pacific Fishery Management Council (WPFMC) recommends, and NMFS approves, a program limiting entry or effort. This action does not commit the WPFMC or NMFS to limit entry, or prevent any other date from being selected for eligibility to participate in the non-longline commercial pelagic fisheries. The WPFMC or NMFS may also use other criteria to limit fishing effort or participation in a limited entry program that is developed in the future.

**Timetable:**

Action	Date	FR Cite
Final Action	08/15/05	70 FR 47781

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

Phone: 808 973-2937

**RIN:** 0648-AT52

### 723. ● CONTROL DATE FOR DOMESTIC PURSE SEINE AND LONGLINE PELAGIC FISHERIES IN U.S. EEZ OF WESTERN PACIFIC REGION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** NMFS announces that persons who enter the pelagic purse seine and longline fisheries in the U.S. Exclusive Economic Zone (EEZ) of the western Pacific region after June 2, 2005 ("control date") are not guaranteed future participation in the fishery if the Western Pacific Fishery Management Council (WPFMC) recommends, and NMFS approves, a program limiting entry or effort. This action does not commit the WPFMC or NMFS to limit entry, or prevent any other date from being selected for eligibility to participate in the pelagic purse seine or longline fisheries. The WPFMC or NMFS may also use other criteria to limit fishing effort or participation in a limited entry program that is developed in the future.

**Timetable:**

Action	Date	FR Cite
Final Action	08/15/05	70 FR 47782

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

Phone: 808 973-2937

**RIN:** 0648-AT53

### 724. ● SALMON CONSERVATION ZONE FOR THE PACIFIC COAST WHITING PRIMARY FISHING SEASON

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** None

**Abstract:** This rule would prohibit vessels participating in the primary Pacific whiting fishery from fishing shoreward of a boundary line approximating the 100 fm depth contour. This action is intended to reduce bycatch of endangered and threatened Chinook salmon in the whiting fishery. To constrain further impacts from the 2005 whiting fishery on ESA-listed salmon, NMFS is implementing an emergency closure of nearshore waters, where salmon are more likely to be taken in common with Pacific whiting.

**Timetable:**

Action	Date	FR Cite
Final Action	08/31/05	70 FR 51682

**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-AT69

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

**Priority:** Other Significant

**Legal Authority:** 16 USC 1533

**CFR Citation:** 50 CFR 226

**Legal Deadline:** NPRM, Judicial, November 30, 2004.  
Final, Judicial, June 15, 2005.

**Abstract:** This action would designate critical habitat for seven Pacific salmon and *O. mykiss* Evolutionarily

## DOC—NOAA

## Completed Actions

Significant Units (ESUs) listed under the Endangered Species Act of 1973. The geographic area proposed for designation include riverine and estuarine habitat in California.

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/00	65 FR 79328
NPRM Comment Period End	02/20/01	
NPRM	12/10/04	69 FR 71880
NPRM Comment Period End	01/24/05	
Comment Period Extended	02/07/05	70 FR 6394
Second NPRM Comment Period End	03/14/05	
Final Action	09/02/05	70 FR 52488

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** None

**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-AQ77

**RIN:** 0648-AO04

### 726. DESIGNATE CRITICAL HABITAT FOR 12 EVOLUTIONARILY SIGNIFICANT UNITS (ESUS) OF PACIFIC SALMON AND STEELHEAD IN WASHINGTON, OREGON AND IDAHO

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

**Legal Authority:** 16 USC 1533

**CFR Citation:** 50 CFR 226; 50 CFR 424

**Legal Deadline:** NPRM, Judicial, September 30, 2004. Final, Judicial, June 15, 2005.

**Abstract:** This action would designate critical habitat for 12 Pacific salmon and *O. mykiss* Evolutionarily Significant Units (ESUs) listed under the Endangered Species Act of 1973. The geographic areas proposed for designation include lakes, riverine, and estuarine habitat in Washington, Oregon, and Idaho, and marine nearshore habitat in Washington.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/29/03	68 FR 55926
ANPRM Comment Period End	11/13/03	
NPRM	12/14/04	69 FR 74572
NPRM Comment Period End	01/28/05	
Comment Period Extended	02/07/05	70 FR 6394
Second NPRM Comment Period End	03/14/05	
Final Action	09/02/05	70 FR 52630

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** Local, State, Tribal

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

Phone: 206 526-6150

Fax: 206 526-6426

**RIN:** 0648-AQ77

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

**Priority:** Other Significant

**Legal Authority:** 16 USC 1533

**CFR Citation:** 50 CFR 223; 50 CFR 224

**Legal Deadline:** NPRM, Judicial, March 31, 2004.

NMFS has requested an extension to the court-ordered deadline, but no decision has been made as of April 23, 2004.

**Abstract:** NMFS has completed status reviews for 26 West Coast salmon and *O. mykiss* (inclusive of anadromous steelhead and co-occurring resident rainbow trout) Evolutionarily Significant Units (ESUs) previously listed as threatened and endangered species under the ESA, as well as one ESU that was designated as a candidate species. Following a September 2001 U.S. District Court ruling that rejected how NMFS treats hatchery populations in its listing determinations, the agency received several petitions seeking to delist, or to redefine and list several

ESUs on the basis of the Court's ruling. In response to these petitions, NMFS initiated status reviews for 16 ESUs, and elected to conduct status reviews for an additional 11 ESUs. Based on these reviews, NMFS is taking this action to list ESUs as endangered or threatened, and also to delist ESUs as necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/04	69 FR 33102
NPRM Comment Period End	09/13/04	
NPRM	08/31/04	69 FR 53031
NPRM Comment Period Extended	10/20/04	
Final Action	06/28/05	70 FR 37160

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

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

**RIN:** 0648-AR93

### 728. SEA TURTLE CONSERVATION; EXCEPTIONS TO TAKING PROHIBITIONS FOR ENDANGERED SEA TURTLES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 222

**Legal Deadline:** None

**Abstract:** NMFS proposes to allow any agent or employee of NMFS, the U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, or any other Federal land or water management agency, or any agent or employee of a State agency responsible for fish and wildlife who is designated by his or her agency for such purposes, when acting in the course of his or her official duties, to take endangered sea turtles if such taking is necessary to aid a sick, injured, entangled or stranded endangered sea turtle or dispose of such specimen or salvage such specimen which may be useful for scientific and educational purposes. This action is necessary to provide

## DOC—NOAA

## Completed Actions

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/05	70 FR 15800

Action	Date	FR Cite
NPRM Comment Period End	04/28/05	
Final Action	07/25/05	70 FR 42508

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

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

**RIN:** 0648-AS57
**Department of Commerce (DOC)  
Patent and Trademark Office (PTO)**

## Proposed Rule Stage

**729. CHANGES TO REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 500(a); 35 USC 2(b) 2(D)**CFR Citation:** 37 CFR 1; 37 CFR 2; 37 CFR 10; 37 CFR 11**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/12/03	68 FR 66648
NPRM Comment Period End	02/12/04	
Notice	03/03/04	69 FR 9986
Comment Period End	06/11/04	
Final Action – Part I	06/24/04	69 FR 35428
NPRM	10/00/05	
NPRM Comment Period End	01/00/06	
Final Action – Part II	06/00/06	

**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
**730. 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(a) and (g); 37 CFR 2.118; 37 CFR 2.119(a) and (b); 37 CFR 2.120(a), (d) and (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 United States Patent and Trademark Office amends its rules of practice in connection with inter partes proceedings before the Trademark Trial and Appeal Board to require 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	11/00/05	

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

**Agency Contact:** James David Sams, Chief Administrative Trademark Judge, Department of Commerce, Patent and Trademark Office, ST-9A03, Trademark Trial and Appeal Board, 600 Dulany Street, Alexandria, VA 22313  
Phone: 571 272-4304  
Email: david.sams@uspto.gov

**RIN:** 0651-AB56
**731. 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

**Legal Deadline:** Final, Statutory, October 1, 2006, Final Action Effective Date.

**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	07/00/06	
Final Action Effective	10/00/06	

## DOC—PTO

## Proposed Rule Stage

**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**CFR Citation:** 37 CFR 2.76, 2.87, 2.88, 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 U.S.C. 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	10/00/05	
NPRM Comment Period End	11/00/05	

Action	Date	FR Cite
Final Action	01/00/06	
Final Action Effective	02/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary E. Hannon, Attorney Advisor, Department of Commerce, Patent and Trademark Office, P. O. Box 1451, Alexandria, VA 22313-1451

Phone: 571 272-9569

Fax: 571 273-9569

Email: mary.hannon@uspto.gov

**RIN:** 0651-AB90**732. 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**Department of Commerce (DOC)****Patent and Trademark Office (PTO)****Final Rule Stage****733. 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 United States Patent and Trademark Office (Office) would in this action change its rules of practice in patent cases to implement the CREATE Act of 2004.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/11/05	70 FR 1818

Action	Date	FR Cite
Interim Final Rule Comment Period End	02/10/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313

Phone: 571 272-8090

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB76**Department of Commerce (DOC)****Patent and Trademark Office (PTO)****Long-Term Actions****734. CHANGES TO IMPLEMENT PRIORITY APPLICATION EXCHANGE BETWEEN INTELLECTUAL PROPERTY OFFICES****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR 1**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8090

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB75

## DOC—PTO

## Long-Term Actions

**735. 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**Agency Contact:** Robert W. Bahr

Phone: 571 272-8090

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB77**736. 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	08/22/05	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8090

Email: robert.bahr@uspto.gov

**Related RIN:** Related to 0651-AB54, Related to 0651-AB69**RIN:** 0651-AB79**737. PROVISIONS FOR CLAIMING THE BENEFIT OF A PROVISIONAL APPLICATION WITH A NON-ENGLISH SPECIFICATION AND OTHER MISCELLANEOUS MATTERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR 1, 3 and 10**Timetable:**

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17629
NPRM Comment	06/06/05	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**Related RIN:** Related to 0651-AB63**RIN:** 0651-AB85**738. 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**Agency Contact:** Mary E. Hannon

Phone: 571 272-9569

Fax: 571 273-9569

Email: mary.hannon@uspto.gov

**RIN:** 0651-AB89**739. ● ACCEPTANCE, PROCESSING, USE AND DISSEMINATION OF CHEMICAL AND THREE-DIMENSIONAL BIOLOGICAL STRUCTURAL DATA IN ELECTRONIC FORMAT****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR Part 1**Legal Deadline:** None

**Abstract:** This action informs the public that the U.S. Patent and Trademark Office (USPTO) is considering amending its rules of practice to require submission of chemical and three-dimensional (3-D) biological structural data in electronic format. The USPTO anticipates that requiring submission of chemical and 3-D biological structural data in electronic format in patent applications

will improve the processing and examination of patent applications that include such data, as well as the dissemination of such data to searchable public databases. The purpose of this notice is to encourage comments on this topic, in the form of responses to the questions posed in this action, from industry, academia, the patent bars, and members of the public.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/21/05	70 FR 35573
ANPRM Comment	08/22/05	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB91**740. ● REVISIONS TO FACILITATE WEB-BASED PATENT CORRESPONDENCE AND AMENDMENT REQUIREMENTS FOR REISSUE APPLICATIONS AND REEXAMINATION PROCEEDINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR Part 1**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office (Office) plans to provide for the electronic submission of various papers typically submitted after an application is filed via a revised electronic filing system. The system is anticipated to permit electronic documents in the "pdf" file format to be submitted electronically. This action proposes changes consistent with the revisions to the electronic filing system and to promote use of the electronic filing system. For example, the certificate of mailing practice is proposed to be changed to provide for submissions using the Electronic Filing System in the same manner as submissions by facsimile transmission. In addition, changes to the practice

## DOC—PTO

## Long-Term Actions

related to amendment of reissue applications and reexamination proceedings are proposed.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB92

#### 741. • 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 were 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB93

#### 742. • 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 United States 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 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB94

#### 743. • CHANGES TO INFORMATION DISCLOSURE STATEMENT REQUIREMENTS AND OTHER RELATED MATTERS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 37 CFR Part 1

**Legal Deadline:** None

**Abstract:** The United States 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

## DOC—PTO

## Long-Term Actions

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	To Be	Determined

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

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

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB95

**744. • PRE-BRIEF APPEAL CONFERENCE FOR PATENT APPLICATIONS UNDER APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR Part 41**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office (Office) has established a pilot pre-brief appeal conference program. This action would change the rules of practice to implement a more permanent pre-brief appeal conference program. The pre-

brief appeal conference program offers patent applicants an avenue to request that a panel of examiners review the legal and factual basis of the rejections in their patent application prior to the filing of an appeal brief. The pre-brief appeal conference program is designed to spare applicants the added time and expense of preparing an appeal brief if a panel review determines that there is no legal or factual basis for the rejections in an application under appeal. Although the pre-brief appeal conference program would not be appropriate for every application under appeal, in proper situations it can save the resources of both the applicant and the Office. Applicants continue to have available to them the current practice and procedures for appeals before the Board of Patent Appeals and Interferences, regardless of whether the applicant requests a pre-brief appeal conference or the result of the pre-brief appeal conference.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

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

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB96

**745. • CHANGES TO EXAMINATION PRACTICE FOR MEANS- (OR STEP-) PLUS-FUNCTION CLAIM ELEMENTS IN PATENT APPLICATIONS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR Part 1**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office (Office) is revising the rules of practice to provide for the

treatment of means- (or step-) plus-function claim elements under 35 U.S.C. 112, 6, in proceedings before the Office. The Office is proposing that an applicant must use the phrase "means for" or "step for" to have a claim element considered a means- (or step-) plus-function claim element under 35 U.S.C. 112, 6, during a proceeding before the Office. The Office also is proposing that the specification of a patent application that includes one or more means- (or step-) plus-function claim elements under 35 U.S.C. 112, 6, must contain or be amended to contain a separate section that specifies the structure, material, or acts that correspond to each such means- (or step-) plus-function claim element under 35 U.S.C. 112, 6. The Office is also proposing to provide for the conditions under which a prior art element may be presumed to be an equivalent of a means- (or step-) plus-function claim element under 35 U.S.C. 112, 6, and how an applicant must rebut a presumption that a prior art element is the equivalent of a means- (or step-) plus-function claim element under 35 U.S.C. 112, 6, during proceedings before the Office. These changes will reduce the burden of examining means- (or step-) plus-function claim elements under 35 U.S.C. 112, 6, and result in a clearer prosecution record in applications containing means- (or step-) plus-function claim elements under 35 U.S.C. 112, 6.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

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

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

Phone: 571 272-8800

Email: robert.bahr@uspto.gov

**RIN:** 0651-AB97



**Department of Commerce (DOC)**  
**Patent and Trademark Office (PTO)**
**Completed Actions**
**746. REVISION OF SEARCH AND EXAMINATION FEES FOR PATENT COOPERATION TREATY APPLICATIONS ENTERING THE NATIONAL STAGE IN THE UNITED STATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2(b)(2) and 376

**CFR Citation:** 36 CFR Part 1

**Legal Deadline:** None

**Abstract:** Among other changes to patent and trademark fees, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), splits the national fee for Patent Cooperation Treaty (PCT) applications entering the national stage into a separate national fee, search fee and examination fee, during fiscal years 2005 and 2006. This action revises the search and examination fee for PCT applications entering the national stage.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/01/05	70 FR 5053
Interim Final Rule Effective	02/01/05	
Interim Final Rule Comment Period End	04/04/05	
Final Action	06/20/05	70 FR 35375

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313  
 Phone: 571 272-8090  
 Email: robert.bahr@uspto.gov

**RIN:** 0651-AB84

**747. CHANGES TO THE PRACTICE FOR HANDLING PATENT APPLICATIONS FILED WITHOUT THE APPROPRIATE FEES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2(b)(2) and 41

**CFR Citation:** 37 CFR 1

**Legal Deadline:** None

**Abstract:** Among other changes to patent and trademark fees, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), splits the patent application filing fee into a separate filing fee, search fee and examination fee, and requires an additional fee (application size fee) for applications whose specification and drawings exceed 100 sheets of paper, during fiscal years 2005 and 2006. The United States Patent and Trademark Office is in this action changing the Office's practice for handling patent applications filed without the appropriate filing, search, and examination fees. The Office has implemented the changes to the patent fees provided in the Consolidated Appropriations Act in a separate rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9570
NPRM Comment Period End	03/30/05	
Final Action	05/26/05	70 FR 30360

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313  
 Phone: 571 272-8090  
 Email: robert.bahr@uspto.gov

**Related RIN:** Related to 0651-AB54

**RIN:** 0651-AB87

**748. REQUIREMENTS TO RECEIVE A REDUCED FEE FOR FILING AN APPLICATION THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-447 Consolidated Appropriations Act, 2005; 15 USC 1113(a); 35 USC 2

**CFR Citation:** 37 CFR 2.22, 2.6, 2.23, 2.62, 7.25

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office (Office) amends its rules to provide applicants with an additional filing fee option. Currently, an applicant may file a trademark application on paper and pay a filing fee of \$375.00 per class or file an application through the Trademark Electronic Application System (TEAS) and pay a filing fee of \$325.00 per class. The Office amends its rules to offer applicants the option of paying a reduced fee of \$275.00 per class for filing an application through TEAS if the application meets certain filing requirements and the applicant responds to Office actions within two months of the mailing date, files communications regarding the application through TEAS, and agrees to receive communications concerning the application by electronic mail (e-mail).

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17636
NPRM Comment Period End	05/09/05	
Final Action	07/06/05	70 FR 38768

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Cheryl L. Black, Department of Commerce, Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22314  
 Phone: 571 272-9565  
 Email: cheryl.black@uspto.gov

**Related RIN:** Related to 0651-AB83

**RIN:** 0651-AB88

**Department of Commerce (DOC)  
Technology Administration (TA)**
**Final Rule Stage**
**749. 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	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** John Raubitschek, Patent Counsel, Department of Commerce, Technology Administration, 14th & Pennsylvania Avenue NW., HCHB Room 4835, Washington, DC 20230

Phone: 202 482-8010  
Fax: 202 482-0607  
Email: jraubits@doc.gov

**RIN:** 0692-AA19
**Department of Commerce (DOC)  
Technology Administration (TA)**
**Completed Actions**
**750. RIGHTS TO INVENTIONS MADE  
BY NONPROFIT ORGANIZATIONS  
AND SMALL BUSINESS FIRMS  
UNDER GOVERNMENT GRANTS,  
CONTRACTS, AND COOPERATIVE  
AGREEMENTS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 206**CFR Citation:** 37 CFR 401**Legal Deadline:** None

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

**Timetable:**

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

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

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

Phone: 202 482-8010  
Fax: 202 482-0253  
Email: jraubits@doc.gov

**RIN:** 0692-AA14

comments received on the Interim Final Rule and will be making minor changes to the regulation.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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

Phone: 202 482-8010  
Fax: 202 482-0253  
Email: jraubits@doc.gov

**RIN:** 0692-AA15

[FR Doc. 05-18122 Filed 10-28-05; 8:45 am]

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

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