



Federal Register

**Tuesday,
May 27, 2003**

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 2002 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, in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2002 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department’s spring 2003 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2003, through March 31, 2004.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed

in the agenda, contact the individual identified as the contact person.

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

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this Order. By memorandum, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the Spring 2003 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to publish, in April and October of each year, a regulatory flexibility agenda which contains a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

Explanation of Information Contained in the Agenda

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

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

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

Explanation of Information Contained in NMFS Regulatory Entries

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

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

The DOC spring 2003 regulatory agenda follows.

Theodore W. Kassinger,
General Counsel.

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 299 | Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance | 0690-AA30 |
| 300 | Employee Responsibilities and Conduct; Removal of Obsolete Regulations | 0690-AA32 |

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Office of the Secretary—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 301 | Civil Monetary Penalties; Adjustments | 0690-AA33 |

Bureau of Economic Analysis—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 302 | Annual Survey of Foreign Direct Investment in the United States | 0691-AA48 |
| 303 | Quarterly Surveys of International Trade in Services Between U.S. and Foreign Persons | 0691-AA49 |

Bureau of Economic Analysis—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 304 | Economic Development Administration Regulations | 0691-AA47 |

Bureau of Economic Analysis—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 305 | Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons | 0691-AA43 |
| 306 | Benchmark Survey of Foreign Direct Investment in the United States—2002 | 0691-AA44 |
| 307 | Transactions of U.S. Affiliate, Except U.S. Banking Affiliate, With Foreign Parent (BE-605) and Transactions of U.S. Banking Affiliate With Foreign Parent (BE-605 Bank) | 0691-AA45 |

Bureau of the Census—Prerule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 308 | Full Mandatory Automated Export System (AES) Filing for Export Shipments | 0607-AA38 |

Bureau of the Census—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 309 | Special Services and Studies by the Bureau of the Census; Amendments to Age Search Procedures | 0607-AA24 |
| 310 | Automated Export System (AES) Mandatory Filing for All Items on the Commerce Control List (CCL) and the United States Munitions List (USML) That Currently Require a Shipper's Export Declaration (SED) | 0607-AA34 |
| 311 | Cutoff Dates for Recognition of Boundary Changes for Census 2000 and for the Intercensal Period | 0607-AA35 |

Bureau of the Census—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 312 | Mandatory Automated Export System (AES) for Exports (Re-Exports) of Rough Diamonds | 0607-AA39 |

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Bureau of the Census—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 313 | Bureau of the Census Certification Process | 0607-AA36 |
| 314 | Bureau of the Census Geographically Updated Population Certification Program | 0607-AA37 |

Bureau of the Census—Discontinued Entries

| Regulation Identification Number | Title | Date | Comments |
|----------------------------------|---|------------|-----------|
| 0607-AA29 | Reporting Value on Shipper's Export Declaration for Inland Freight and Insurance Charges | 02/24/2003 | Withdrawn |
| 0607-AA30 | Reporting the Value of Repairs and Replacement Parts on the Shipper's Export Declaration | 02/24/2003 | Withdrawn |
| 0607-AA31 | Notation of the Shipper's Export Declaration Filing Exemption Statement on Manifest Documents | 02/24/2003 | Withdrawn |

General Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 315 | Governmentwide Debarment and Suspension (Nonprocurement) | 0605-AA16 |

General Administration—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 316 | Public Information, Freedom of Information and Privacy | 0605-AA14 |

International Trade Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 317 | Commercial Availability of Fabric and Yarn | 0625-AA59 |

International Trade Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 318 | Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders | 0625-AA51 |
| 319 | 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 |

International Trade Administration—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 320 | Proposed Changes in the Insular Possessions Watch, Watch Movement, and Jewelry Program | 0625-AA57 |
| 321 | Establishment of Steel Import Licensing and Surge-Monitoring Program | 0625-AA60 |

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International Trade Administration—Discontinued Entries

| Regulation Identification Number | Title | Date | Comments |
|----------------------------------|--|------------|-----------|
| 0625-AA52 | Export Trade Certificates of Review (15 CFR 325) | 03/11/2003 | Withdrawn |

Bureau of Industry and Security—Prerule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 322 | License Exception APR for Reexports To, From, and Among Countries in Country Group A:1 | 0694-AC69 |

Bureau of Industry and Security—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 323 | Chemical Weapons Convention Regulations | 0694-AB06 |
| 324 | Mandatory Electronic Filing of License Applications, Classification Requests, and License Exceptions Notifications via BIS's Simplified Network Application Process (SNAP) | 0694-AC20 |
| 325 | Protective Equipment Export License Jurisdiction | 0694-AC64 |

Bureau of Industry and Security—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 326 | Entity List Revision: Khan Research Laboratories | 0694-AB60 |
| 327 | Exports and Reexports of Explosive Detection Systems; Expansion of Foreign Policy Controls | 0694-AB87 |
| 328 | Exports and Reexports to Sudan | 0694-AC05 |
| 329 | Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR) | 0694-AC22 |
| 330 | Revisions and Clarifications to the Export Administration Regulations (EAR) | 0694-AC24 |
| 331 | License Exception AVS: Cuba, Libya, Serbia | 0694-AC33 |
| 332 | Chemical Weapons Convention: Revisions to the Export Administration Regulations | 0694-AC35 |
| 333 | Exports to Afghanistan (the Taliban) and Liberia: Imposition of Foreign Policy Controls | 0694-AC45 |
| 334 | Elimination of "National Security" as a Reason for Control for Certain Items on the Commerce Control List | 0694-AC54 |
| 335 | Imposition and Expansion of Controls on Designated Persons | 0694-AC60 |
| 336 | License Application Denial Policy, "Red Flag" Indicators of Possible Inappropriate End-Use, End-User, or Destination | 0694-AC68 |
| 337 | Revisions and Clarifications to the Export Administration Regulations — Chemical and Biological Weapons Controls: Australia Group (June 2002 Plenary Meeting) | 0694-AC70 |
| 338 | Revisions of Aircraft Export Licensing Jurisdiction Based on Review of the United States Munitions List | 0694-AC74 |
| 339 | Revisions of Energetic Material Export Licensing Jurisdiction Based on Review of the United States Munitions List | 0694-AC75 |
| 340 | Export Administration Regulations: Encryption Clarifications and Revisions | 0694-AC78 |

Bureau of Industry and Security—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 341 | Transfer of Dual-Use Items From U.S. Munitions List to the Commerce Control List | 0694-AA52 |
| 342 | Administration of State Log Exports Ban | 0694-AB25 |
| 343 | Change the Commerce Control List To Revise Controls on Communication Intercepting Devices (Export Commerce Control Number ECCN 5A980) | 0694-AB41 |
| 344 | Clarification of License Exception GFT (Humanitarian Donations) | 0694-AB49 |
| 345 | Exports of Technology and Software; Release of Technology or Source Code to Foreign Nationals in the United States | 0694-AB59 |
| 346 | India and Pakistan Sanctions | 0694-AB73 |

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

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 347 | Expansion of License Exception CIV Eligibility for Microprocessors Controlled by ECCN 3A001 | 0694-AB90 |
| 348 | Export of Technology and Software Through Electronic Transmissions, Downloads, and Programming Onto Hardware | 0694-AB97 |
| 349 | Export Administration Regulations: Support Documentation | 0694-AC04 |
| 350 | Antiterrorism Controls on Iraq | 0694-AC06 |
| 351 | Expansion of License Exception GOV; Exports and Reexports to International Organizations | 0694-AC15 |
| 352 | De Minimis Expansion of Eligibility: U.S. Origin Software Incorporated Into Foreign-Made Retail Commodities | 0694-AC17 |
| 353 | Revision to the Export Administration Regulations: Replacement Licenses | 0694-AC23 |
| 354 | Short Supply Controls: Crude Oil Exports | 0694-AC25 |
| 355 | Offsets in Military Exports | 0694-AC27 |
| 356 | Entity List: Additions and Revisions | 0694-AC28 |
| 357 | Crime Control Items: Revisions to the Commerce Control List | 0694-AC31 |
| 358 | Revisions to Encryption Items | 0694-AC32 |
| 359 | Clarifications to Part 753: Special Comprehensive License Requirements | 0694-AC34 |
| 360 | Addition and Revision of Missile Projects in the Export Administration Regulations | 0694-AC46 |
| 361 | Revision, Suspension, or Prohibition of Use of "No License Required" Provisions | 0694-AC47 |
| 362 | Removal of Licensing Exemption for Exports and Reexports of Missile Technology-Controlled Items Destined to Canada | 0694-AC48 |
| 363 | Exports to the Federal Republic of Yugoslavia: Lifting of Sanctions | 0694-AC57 |
| 364 | Computer Technology and Software Eligible for Export or Reexport Under License Exception TSR | 0694-AC63 |
| 365 | Revisions to License Exception TSR: Expansion to Scope of Eligible Countries | 0694-AC71 |
| 366 | Revisions to the Export Administration Regulations Based on the 2002 Missile Technology Control Regime Plenary Agreements | 0694-AC76 |
| 367 | Addition of East Timor, Netherlands Antilles, and Aruba to the Export Administration Regulations | 0694-AC77 |
| 368 | General Order on Exports to Iraq | 0694-AC79 |

Bureau of Industry and Security—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 369 | Implementation of the 2002 Wassenaar Arrangement List of Dual-Use Items: Revisions to Categories 2, 3, 4, 5, 6, 7, and 9 of the Commerce Control List, General Software Note, and Reporting Requirements | 0694-AC65 |
| 370 | Revision of Export Controls for General Purpose Microprocessors | 0694-AC66 |
| 371 | Correction to Rule Entitled: Missile Technology Production Equipment and Facilities | 0694-AC72 |

National Institute of Standards & Technology—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 372 | Procedures for Implementation of the National Construction Safety Team Act | 0693-AB53 |

National Institute of Standards & Technology—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 373 | Procedures for Implementation of the National Construction Safety Team Act | 0693-AB52 |

DOC

National Oceanic and Atmospheric Administration—Prerule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 374 | Fleet Capacity Control for U.S. Troll Albacore Tuna Fishing in Canadian Waters | 0648-AQ22 |
| 375 | Amendment 1 to the Spiny Dogfish Fishery Management Plan | 0648-AQ86 |
| 376 | Control Date for the Small Mesh Multispecies (Silver Hake, Offshore Hake, and Red Hake) Fishery | 0648-AQ89 |
| 377 | Endangered and Threatened Species; Finding for a Petition To Revise Critical Habitat for Northern Right Whales .. | 0648-AQ53 |
| 378 | Taking and Importing of Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Activities by the U.S. Navy at San Nicolas Island, California | 0648-AQ61 |
| 379 | Endangered Species and Pesticide Regulation | 0648-AQ69 |
| 380 | Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Conducting Oil and Gas Exploration Activities in the Gulf of Mexico | 0648-AQ71 |
| 381 | Designate Critical Habitat; Withdraw Previous Designations | 0648-AQ77 |

National Oceanic and Atmospheric Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 382 | Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands | 0648-AG87 |
| 383 | Establish Central Registry for Limited Access System Permits | 0648-AJ77 |
| 384 | Regulatory Amendment To Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery | 0648-AK26 |
| 385 | Adjustment of Management Program: Bottomfish Fisheries in the Hawaiian Islands | 0648-AK82 |
| 386 | Revise Exempted Fishing Regulations To Specify Compensatory Fishing Under Exempted Fishing | 0648-AK84 |
| 387 | Amendment 11 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region | 0648-AL67 |
| 388 | Fishery Management Plan for Calico Scallop Fishery in the South Atlantic Region (FMP) | 0648-AL78 |
| 389 | Amendment 10 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) | 0648-AM23 |
| 390 | Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region | 0648-AM98 |
| 391 | Amendment 7 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic FMP | 0648-AN08 |
| 392 | Amendment 18 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico | 0648-AN09 |
| 393 | Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan | 0648-AN16 |
| 394 | Amendment 13 to the Northeast Multispecies Fishery Management Plan | 0648-AN17 |
| 395 | Amendment 9 to the Fishery Management Plan Amendment for the Pelagic Fisheries of the Western Pacific Region | 0648-AN76 |
| 396 | Regulatory Amendment Modifying the Gulf of Mexico BRD Protocol Under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) | 0648-AN84 |
| 397 | Fishery Management Plan (FMP) for Sargassum Habitat of the South Atlantic | 0648-AN87 |
| 398 | Management Measures for the Northeast Skate Complex | 0648-AO10 |
| 399 | Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic, Caribbean, and Gulf of Mexico (FMP) of the Atlantic | 0648-AO63 |
| 400 | Regulatory Amendment Under the Fishery Management Plan for Gulf of Mexico Reef Fish (FMP) To Establish a Red Snapper Stock Rebuilding Plan and To Set Red Snapper Overfishing Targets and Thresholds | 0648-AP02 |
| 401 | Amendment 13 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region | 0648-AP03 |
| 402 | Revision of American Lobster Regulations for the EEZ | 0648-AP18 |
| 403 | Regulatory Amendment to Implement Permit Stacking in the Limited-Entry Fixed-Gear Sablefish Fishery in 2002 and Beyond | 0648-AP38 |
| 404 | Implementation of Fishery Management Plan for Highly Migratory Species Fisheries Off the West Coast | 0648-AP42 |
| 405 | Regulatory Amendment Under the Coastal Migratory Pelagics Fishery Management Plan | 0648-AP50 |
| 406 | Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean | 0648-AP51 |
| 407 | Atlantic Surf Clam and Ocean Quahog Fisheries; Amendment 13 | 0648-AP57 |
| 408 | Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9 | 0648-AP60 |
| 409 | Implement a Vessel Monitoring System Under the South Pacific Tuna Act | 0648-AP61 |
| 410 | Revise Community Development Quota Program Administration and Allocation Regulations | 0648-AP67 |
| 411 | Full Retention of Demersal Shelf Rockfish in Gulf of Alaska Area 650 | 0648-AP73 |
| 412 | Amendment to Fishery Management Plan for Reef Fish Resources of Gulf of Mexico to Set 10-Year Rebuilding Plan for Red Grouper | 0648-AP95 |
| 413 | Regulatory Amendment to Section 679 Permits or Permit-Related Issues | 0648-AQ07 |

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

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 414 | Regulatory Amendment To Adjust Permit Renewal Requirements and Transferability Restrictions in NWHI's Hoomalu Zone and Mau Limited Access Programs | 0648-AQ20 |
| 415 | Fleet Capacity Control for U.S. Tuna Purse Seine Fisheries in the Eastern Pacific Ocean | 0648-AQ21 |
| 416 | Secretarial Amendment 2 to Reef Fish Fishery Management Plan To Set Greater Amberjack Sustainable Fisheries Act Targets and Thresholds and To Set Rebuilding Plan | 0648-AQ24 |
| 417 | Amendment 2 to Monkfish Fishery Management Plan | 0648-AQ25 |
| 418 | Amendment 1 to the Atlantic Herring Fishery Management Plan (FMP) and Amendment 2 to the Atlantic Salmon FMP | 0648-AQ27 |
| 419 | Recreational Specifications for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2003 | 0648-AQ32 |
| 420 | Atlantic Highly Migratory Species (HMS); Bigeye Tuna and Swordfish Trade Statistical Document Programs | 0648-AQ37 |
| 421 | Atlantic Highly Migratory Species (HMS); 2003 Bluefin Tuna Quota Specifications and Effort Controls | 0648-AQ38 |
| 422 | Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations | 0648-AQ42 |
| 423 | EFH Amendments to the Bottomfish, Crustaceans, and Precious Corals FMPs | 0648-AQ43 |
| 424 | Rulemaking to Correct the Salmon Fishery Coordinates as Implemented in the Amendment 3 to the Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska | 0648-AQ48 |
| 425 | Framework 3 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan | 0648-AQ57 |
| 426 | Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Vessel Monitoring System | 0648-AQ58 |
| 427 | Fisheries of the United States; National Standard 1 | 0648-AQ63 |
| 428 | Atlantic Highly Migratory Species: Billfish and Swordfish Recreational Fishing | 0648-AQ65 |
| 429 | Amendment 17 to the Pacific Coast Groundfish Fishery Management Plan | 0648-AQ68 |
| 430 | Continuation of Measures To Reduce Fishing Mortality in the Northeast Multispecies Fishery and Implement a DAS Leasing Program | 0648-AQ72 |
| 431 | Changes to Eligibility Criteria for Bering Sea and Aleutian Islands Crab License Limitation Program | 0648-AQ73 |
| 432 | Revise Eligibility Criteria for BSAI Pacific Cod Endorsements to Groundfish Licenses Issued Under the License Limitation Program (LLP) | 0648-AQ75 |
| 433 | Framework Adjustment 38 to the Northeast Multispecies Fishery Management Plan (FMP) | 0648-AQ76 |
| 434 | Implement BSAI FMP Amendment 75—Delaying Implementation of Improved Retention/Improved Utilization of Flatfish | 0648-AQ78 |
| 435 | Annual Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries for 2004 | 0648-AQ80 |
| 436 | Specifications for the 2004-2005 Fishing Year for the Spiny Dogfish Fishery | 0648-AQ81 |
| 437 | Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fishery for Fishing Year 2004 | 0648-AQ82 |
| 438 | Annual Specifications for the Atlantic Mackerel, Squid, and Butterfish Fisheries for 2004 | 0648-AQ83 |
| 439 | Annual Specifications for the Atlantic Herring Fishery for 2004 | 0648-AQ84 |
| 440 | Annual Specifications for the Atlantic Bluefish Fishery for 2004 | 0648-AQ85 |
| 441 | "Other Species" CDQ Reserve Management | 0648-AQ88 |
| 442 | Atlantic Highly Migratory Species; Atlantic Swordfish Quotas | 0648-AQ90 |
| 443 | Adjustment of Management Program; Pelagic Fisheries in the Western Pacific Region | 0648-AQ91 |
| 444 | Amendment 11 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (American Samoa Limited Access Program) | 0648-AQ92 |
| 445 | Eastern Pacific Tuna Controls | 0648-AQ93 |
| 446 | West Coast Coastal Pelagic Fisheries Sardine Allocation System Change | 0648-AQ94 |
| 447 | Atlantic Highly Migratory Species (HMS); Atlantic Shark Management Measures | 0648-AQ95 |
| 448 | Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel | 0648-AQ96 |
| 449 | Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine | 0648-AQ97 |
| 450 | Amend Regulations Governing the Taking and Importing of Marine Mammals | 0648-AH83 |
| 451 | North Atlantic Whale Protection | 0648-AM85 |
| 452 | Preventing Harassment From Human Activities Directed at Marine Mammals in the Wild | 0648-AN43 |
| 453 | Endangered and Threatened Species: Permit Exemptions | 0648-AO37 |
| 454 | Captive Steller Sea Lions | 0648-AO61 |
| 455 | Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska | 0648-AP62 |
| 456 | Annual Specifications for the Surf Clam and Ocean Quahog Fisheries for 2004 | 0648-AQ79 |
| 457 | Revision of Overflight Regulations | 0648-AI91 |
| 458 | Interagency Consultation for the National Marine Sanctuary Program | 0648-AL06 |
| 459 | Gray's Reef National Marine Sanctuary | 0648-AQ41 |

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National Oceanic and Atmospheric Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 460 | Regulatory Amendment To Allocate Pacific Halibut to the Charter Boat Fleet | 0648-AK17 |
| 461 | Proposed Highly Migratory Species Process | 0648-AK40 |
| 462 | Regulatory Amendment to Reinstate 6000-Pound Trip Limit of Halibut in Area Northeast of the Bering Sea | 0648-AL97 |
| 463 | Enhanced Measures To Mitigate Seabird Bycatch in the Alaska Longline Fisheries (Hook-and-Line) | 0648-AM30 |
| 464 | Implementation of Western Pacific Coral Reef Ecosystem Fishery Management Plan (FMP) | 0648-AM97 |
| 465 | Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Incidental Catch | 0648-AO75 |
| 466 | Atlantic Highly Migratory Species; Exempted Fishing Permits Procedures | 0648-AO79 |
| 467 | American Lobster Fishery; Revisions to Lobster Trap Limits, Conservation Equivalency in New Hampshire Waters, and Clarification of Lobster Management Boundaries per Addendum 1 | 0648-AP15 |
| 468 | Fishing Capacity Reduction Program for the Crab Species Covered by the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs | 0648-AP25 |
| 469 | Bottomfish and Pelagics Fisheries FMP Amendments Regarding Bycatch Provisions | 0648-AP54 |
| 470 | Bottomfish, Crustaceans, Pelagics, and Precious Corals Fisheries FMP Amendments Regarding Fishing Communities | 0648-AP55 |
| 471 | Amendment to Regulations for Observer At-Sea Electronic Communication Equipment Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries | 0648-AP66 |
| 472 | Antarctic Marine Living Resources Vessel Monitoring System and Catch Documentation Scheme | 0648-AP74 |
| 473 | IFQ Recordkeeping and Reporting Requirements for Catcher Vessels; BSAI Amendment 72 and GOA Amendment 64 | 0648-AP92 |
| 474 | Extension of an Emergency Interim Rule to Implement 2002 Steller Sea Lion Protection Measures and Harvest Specifications for the Bering Sea/Aleutian Islands Area and the Gulf of Alaska | 0648-AQ02 |
| 475 | Subsistence Fishery for Pacific Halibut in Waters Off Alaska | 0648-AQ09 |
| 476 | Capital Construction Fund Procedures | 0648-AQ16 |
| 477 | 2003-2004 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California | 0648-AQ17 |
| 478 | Annual Specifications for the Atlantic Bluefish Fishery for Fishing Year 2003 | 0648-AQ26 |
| 479 | Framework 2 to the Monkfish Fishery Management Plan | 0648-AQ29 |
| 480 | Specifications for the 2003-2004 Fishing Year for the Spiny Dogfish Fishery | 0648-AQ34 |
| 481 | Framework 37 to the Northeast Multispecies Fishery Management Plan | 0648-AQ35 |
| 482 | Atlantic Highly Migratory Species (HMS); Large and Small Coastal Shark Commercial Management Measures | 0648-AQ39 |
| 483 | Increase in Allowable Percentage of Pollock Roe | 0648-AQ44 |
| 484 | Opening Waters to Pacific Cod Pot Fishing Off Cape Barnabas and Caton Island in the Gulf of Alaska | 0648-AQ45 |
| 485 | Policies and Procedures Regarding Use of the NOAA Space-Based Data Collection Systems | 0648-AQ55 |
| 486 | Corrected Amendment for a Charter Vessel/Headboat Permit Moratorium Amending the Gulf Reef Fish and Coastal Pelagics FMPs | 0648-AQ70 |
| 487 | Notice of Technical Revision to Right Whale Nomenclature and Taxonomy Under the U.S. Endangered Species Act | 0648-AQ74 |
| 488 | Atlantic Large Whale 2002 Seasonal Area Management (SAM) Program | 0648-AP68 |
| 489 | 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 |
| 490 | Draft Policy for Evaluation of Conservation Efforts in Making Listing Decisions | 0648-AL91 |
| 491 | Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives | 0648-AO16 |
| 492 | Restrictions on Pound Net Leaders To Enhance Turtle Protection in Virginia; Threatened and Endangered Sea Turtle Conservation | 0648-AP81 |
| 493 | Listing Endangered and Threatened Wildlife and Designating Critical Habitat; 12-Month Finding | 0648-AP94 |
| 494 | Designating the Eastern North Pacific Southern Resident Stock of Killer Whales as Depleted | 0648-AQ00 |
| 495 | Designation of Critical Habitat for Gulf Sturgeon | 0648-AQ03 |
| 496 | Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations | 0648-AQ04 |
| 497 | Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations | 0648-AQ13 |
| 498 | Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank | 0648-AQ51 |
| 499 | List of Fisheries for 2003 | 0648-AQ60 |
| 500 | Natural Resource Damage Assessments Under the Oil Pollution Act of 1990 | 0648-AM80 |

DOC

National Oceanic and Atmospheric Administration—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 501 | Crustaceans, Bottomfish, and Pelagics FMP Amendments Regarding Overfishing Definitions | 0648-AN79 |
| 502 | Amendment 2 to the Atlantic Herring Fishery Management Plan | 0648-AQ87 |
| 503 | Interagency Policy on the Prescription of Fishways Under Section 18 of the Federal Power Act | 0648-AO70 |
| 504 | Policy for Review of Mandatory Conditions Developed by the Departments of the Interior and Commerce in the Context of Hydropower Licensing | 0648-AO84 |
| 505 | Endangered and Threatened Species: Take of Threatened Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) Coho Salmon | 0648-AJ91 |
| 506 | Designated Critical Habitat: Proposed Critical Habitat for Northern California Steelhead | 0648-AO04 |
| 507 | Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries | 0648-AO36 |
| 508 | Procedural Changes to the Federal Consistency Process | 0648-AP98 |
| 509 | Regional Marine Research Program | 0648-AF20 |

National Oceanic and Atmospheric Administration—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 510 | Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean | 0648-AL86 |
| 511 | Regulatory Amendment To Change the Regulations Implementing the North Pacific Observer Program | 0648-AM44 |
| 512 | Framework Regulatory Amendment for the Atlantic Highly Migratory Species (HMS); Fishing Vessel Permits; Charter Boat Operations | 0648-AM91 |
| 513 | Atlantic Highly Migratory Species Fisheries; Monitoring of the Atlantic Billfish and Swordfish Recreational Fisheries | 0648-AN06 |
| 514 | Amendment 7 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico | 0648-AN10 |
| 515 | Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan | 0648-AN12 |
| 516 | Amendments 61/61 for BSAI and GOA Groundfish; Amendment 13 for Commercial King and Tanner Crab; and Amendment 8 for Alaska Scallop Fishery | 0648-AN55 |
| 517 | Deep-Sea Red Crab Fishery Management Plan | 0648-AN68 |
| 518 | Atlantic Highly Migratory Species; Swordfish Quotas and Fishing Areas | 0648-AO93 |
| 519 | Regulatory Amendment To Allow Experimental Setnet Sablefish Landings To Qualify Limited-Entry Sablefish Endorsement Holders for Tier Assignment in the West Coast Primary Sablefish Fishery | 0648-AP39 |
| 520 | Amendment 5 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region | 0648-AP41 |
| 521 | Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel | 0648-AP43 |
| 522 | Amendment 69 to the Bering Sea and Aleutian Islands (BSAI) Fishery Management Plan (FMP)—American Fisheries Act (AFA) Coop Leasing | 0648-AP71 |
| 523 | Protect Northeast Multispecies Groundfish Stocks | 0648-AP78 |
| 524 | Amendment 60 to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska | 0648-AP79 |
| 525 | Pacific Tuna Fisheries | 0648-AP86 |
| 526 | Amendment 10 to the Coastal Pelagic Species Fishery Management Plan | 0648-AP87 |
| 527 | Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine | 0648-AP88 |
| 528 | Atlantic Highly Migratory Species (HMS); Regulatory Adjustments; NOAA Information Collection Requirements | 0648-AP89 |
| 529 | Atlantic Highly Migratory Species (HMS); 2002 Bluefin Tuna Quota Specifications and Effort Controls | 0648-AP90 |
| 530 | 2003 Observer Program Requirements | 0648-AQ05 |
| 531 | Fisheries of the Exclusive Economic Zone Off Alaska—Steller Sea Lion Protection Measures | 0648-AQ08 |
| 532 | Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Control Date for Atlantic Mackerel | 0648-AQ11 |
| 533 | Implementation of New Depth-Based Management Measures in the Pacific Coast Groundfish Fishery | 0648-AQ14 |
| 534 | 2003 Initial Specifications for Atlantic Mackerel, Squid, and Butterfish | 0648-AQ15 |
| 535 | Pacific Coast Groundfish Fishery; Announcement of the 2003 Groundfish Fishery Specifications and Management Measures | 0648-AQ18 |
| 536 | Groundfish Fishery Management Measures for January Through February 2003 | 0648-AQ19 |
| 537 | Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 15 | 0648-AQ28 |
| 538 | Annual Specifications for Fishing Year 2003 for the Summer Flounder, Scup, and Black Sea Bass Fishery | 0648-AQ30 |
| 539 | Annual Specifications for the Surf Clam and Ocean Quahog Fisheries for Fishing Year 2003 | 0648-AQ31 |
| 540 | Specifications for the Atlantic Herring Fishery for Fishing Year 2003 | 0648-AQ33 |
| 541 | Seasonal Adjustment of Closure Areas to Pollock and Pacific Cod Trawl Fishing in Waters Off Cape Sarichef in the Bering Sea Subarea | 0648-AQ46 |
| 542 | Expedite Reallocation of Sardine in the West Coast Coastal Pelagic Species Fishery | 0648-AQ47 |

DOC

National Oceanic and Atmospheric Administration—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 543 | Modification of the Regulations Implementing Framework Adjustment 35 (Framework 35) to the Northeast Multi-species Fishery Management Plan (FMP) | 0648-AQ50 |
| 544 | Rescind a Final Rule Implementing a Charter Vessel/Headboat Permit Moratorium Amending the Reef Fish Fishery Management Plan (Amendment 20) and Coastal Migratory Pelagics Fishery Management Plan | 0648-AQ59 |
| 545 | Sea Scallop Research Proposals under Framework 15 to the Atlantic Sea Scallop Fishery Management Plan | 0648-AQ62 |
| 546 | Research Proposals for Fishing Year 2004 for a Research Set-Aside Program for Selected Mid-Atlantic Fisheries | 0648-AQ66 |
| 547 | Revisions to the Pacific Halibut Catch Sharing Plan for 2003 and Beyond | 0648-AQ67 |
| 548 | Pacific Offshore Cetacean Take Reduction Plan | 0648-AL70 |
| 549 | Sea Turtle Conservation Regulations; Shrimp Fishery | 0648-AN62 |
| 550 | Sea Turtle Conservation Regulations; Fishery Activities | 0648-AP91 |
| 551 | Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations | 0648-AQ23 |
| 552 | Sea Turtle Conservation; Shrimp Trawling Requirements | 0648-AQ52 |
| 553 | Taking and Importing of Marine Mammals: Takings Incidental to Power Plant Operations | 0648-AQ54 |
| 554 | Sea Turtle Conservation; Shrimp Trawling Requirements | 0648-AQ56 |

National Oceanic and Atmospheric Administration—Discontinued Entries

| Regulation Identification Number | Title | Date | Comments |
|----------------------------------|--|------------|-----------------------|
| 0648-AO47 | Amendment 5 to the Fishery Management Plan for Precious Coral Fisheries in the Western Pacific Region | 03/03/2003 | Withdrawn |
| 0648-AP16 | Sea Turtle Conservation Regulations; Fishery Activities (TEDs) | 12/21/2002 | Merged With 0648-AN62 |
| 0648-AP53 | Adjustment of Management Program: Bottomfish Fisheries in the Western Pacific | 03/03/2003 | Withdrawn |
| 0648-AQ40 | Atlantic Highly Migratory Species (HMS); Large Coastal Shark Commercial and Recreational Management Measures | 10/01/2002 | Merged With 0648-AQ39 |

Patent and Trademark Office—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 555 | Rules of Practice Before the Board of Patent Appeals and Interferences | 0651-AB32 |
| 556 | Madrid Protocol Implementation Act Rules Change | 0651-AB45 |
| 557 | Changes to Promote Quality Enhancement and Pendency | 0651-AB50 |
| 558 | Changes in Trademark Rules of Practice in Inter Partes Proceedings Before the Trademark Trial and Appeal Board | 0651-AB56 |
| 559 | Changes To Implement the 2002 Inter Partes Reexamination and Other Technical Amendments to the Patent Statute | 0651-AB57 |
| 560 | Changes To Implement Electronic Maintenance of Official Patent Application Records | 0651-AB59 |
| 561 | Revision of Patent and Trademark Fees for Fiscal Year 2004 | 0651-AB60 |
| 562 | Revision of Search and Preliminary Examination Fees for International Applications | 0651-AB61 |

Patent and Trademark Office—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 563 | Elimination of Continued Prosecution Application Practice as to Utility and Plant | 0651-AB37 |
| 564 | Changes To Implement Patent-Related Provisions of the United States Patent and Trademark Fee Modernization Act of 2003 | 0651-AB54 |

DOC

Patent and Trademark Office—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 565 | Processing Fee for Use of Paper Forms for Submission of Applications for Registration and Other Documents | 0651-AB52 |
| 566 | Changes to Representation of Others Before the United States Patent and Trademark Office | 0651-AB55 |

Patent and Trademark Office—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 567 | Complaints Regarding Invention Promoters | 0651-AB12 |
| 568 | Revision of Patent and Trademark Fees for Fiscal Year 2003 | 0651-AB51 |
| 569 | Technical Corrections Act of 2002 Rules Change | 0651-AB58 |

Patent and Trademark Office—Discontinued Entries

| Regulation Identification Number | Title | Date | Comments |
|----------------------------------|---|------------|-----------|
| 0651-AB17 | Correspondence Filed in the Patent and Trademark Office Rules of Practice Before the Board of Patent Appeals and Interferences in Appeals Under 35 U.S.C. 134 | 02/24/2003 | Withdrawn |
| 0651-AB27 | | 02/19/2003 | Withdrawn |
| 0651-AB53 | Revision of the Fees for Request for Continued Examination and the URAA Transitional Examination Practices | 02/24/2003 | Withdrawn |

Technology Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 570 | Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements | 0692-AA14 |
| 571 | Acquisition and Protection of Foreign Rights in Inventions | 0692-AA15 |
| 572 | Amendment to Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements | 0692-AA18 |

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

Final Rule Stage

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

CFR Citation: 15 CFR 8; 15 CFR 8b; 15 CFR 8c; 15 CFR 20

Legal Deadline: None

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

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

DOC—OS

Final Rule Stage

Timetable:

| Action | Date |
|-------------------------|----------------------|
| NPRM | 12/06/00 65 FR 76460 |
| NPRM Comment Period End | 01/05/01 |
| Final Action | 09/00/03 |
| Final Action Effective | 10/00/03 |

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

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

Fax: 202 482-5375

RIN: 0690-AA30

300. EMPLOYEE RESPONSIBILITIES AND CONDUCT; REMOVAL OF OBSOLETE REGULATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 5 USC 7301; 5 USC 7353; 26 USC 7214(b); EO 12731; ...**CFR Citation:** 15 CFR**Legal Deadline:** None

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

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 05/00/03 |

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

Agency Contact: Douglas Ligor, Attorney Advisor, Department of Commerce, Office of the Secretary, HCHB Room 5898C, 14th & Constitution Avenue NW., Washington, DC 20230
Phone: 202 482-0127
Fax: 202 482-2998

RIN: 0690-AA32

**Department of Commerce (DOC)
Office of the Secretary (OS)****Completed Actions****301. • CIVIL MONETARY PENALTIES; ADJUSTMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 101-410; PL 104-134; 5 USC 553**CFR Citation:** 15 CFR 6**Legal Deadline:** None

Abstract: This final rule issued to adjust civil monetary penalties provided by law within the jurisdiction of the Department of Commerce (the Department). As required by the Federal Civil Penalties Inflation

Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, the Secretary of Commerce adjusted the Department's civil monetary penalties for inflation on October 24, 1996, and subsequently on November 1, 2000. The purpose of this rule is to bring the Department into compliance with GAO's interpretation of the statute.

Timetable:

| Action | Date |
|------------|---------------------|
| Final Rule | 01/29/03 68 FR 4380 |

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

Agency Contact: Peter Robbins, Attorney Advisor, Department of Commerce, Office of the Secretary, HCHB Room 5876, Office of the General Counsel, 15th & Pennsylvania Avenue, NW., Washington, DC 20230
Phone: 202 482-3151
Fax: 202 482-0512
Email: probbins@doc.gov

RIN: 0690-AA33

**Department of Commerce (DOC)
Bureau of Economic Analysis (BEA)****Proposed Rule Stage****302. ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 3101 to 3108**CFR Citation:** 15 CFR 806**Legal Deadline:** None

Abstract: This action will amend existing rule CFR 806.15 to raise the threshold for reporting on the BE-15, Annual Survey of Foreign Direct Investment in the United States, and to bring the survey into conformity with the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2002.

Timetable:

| Action | Date |
|-------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 08/00/03 |
| Final Action | 09/00/03 |
| Final Action Effective | 10/00/03 |

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

Agency Contact: Obie G. Whichard, Assistant 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-AA48

303. • QUARTERLY SURVEYS OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 3101-3108**CFR Citation:** 15 CFR 801**Legal Deadline:** None

Abstract: This action will amend existing rule 15 CFR 801.9 to require

DOC—BEA

Proposed Rule Stage

quarterly reporting of trade in services between U.S. and foreign persons for a number of services that up to now have been reported annually. The collection of quarterly information on international services activity is needed to support a Government initiative to provide more timely data on trade in the largest and most volatile services.

Timetable:

| Action | Date |
|-------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 08/00/03 |
| Final Action | 11/00/03 |
| Final Action Effective | 01/00/04 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0691-AA49

Department of Commerce (DOC)

Long-Term Actions

Bureau of Economic Analysis (BEA)

304. ECONOMIC DEVELOPMENT ADMINISTRATION REGULATIONS

Priority: Other Significant

CFR Citation: 13 CFR ch III

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Tribal

Agency Contact: Claudia Nadig
Phone: 202 482-4687
Fax: 202 482-5671
Email: cnadig@eda.gov

RIN: 0691-AA47

Department of Commerce (DOC)

Completed Actions

Bureau of Economic Analysis (BEA)

305. ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 801

Completed:

| Reason | Date |
|------------------------|----------------------|
| Final Action | 11/29/02 67 FR 71103 |
| Final Action Effective | 12/30/02 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Obie G. Whichard
Phone: 202 606-9890
Fax: 202 606-5318
Email: obie.whichard@bea.gov

RIN: 0691-AA43

306. BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES—2002

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 806

Completed:

| Reason | Date |
|------------------------|---------------------|
| Final Action | 01/13/03 68 FR 1531 |
| Final Action Effective | 02/12/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Obie G. Whichard
Phone: 202 606-9890
Fax: 202 606-5318
Email: obie.whichard@bea.gov

RIN: 0691-AA44

307. TRANSACTIONS OF U.S. AFFILIATE, EXCEPT U.S. BANKING AFFILIATE, WITH FOREIGN PARENT (BE-605) AND TRANSACTIONS OF U.S. BANKING AFFILIATE WITH FOREIGN PARENT (BE-605 BANK)

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 806

Completed:

| Reason | Date |
|------------------------|----------------------|
| NPRM | 10/16/02 67 FR 63860 |
| Final Action | 01/27/03 68 FR 3811 |
| Final Action Effective | 02/26/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Obie G. Whichard
Phone: 202 606-9890
Fax: 202 606-5318
Email: obie.whichard@bea.gov

RIN: 0691-AA45

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

Prerule Stage

**308. • FULL MANDATORY
 AUTOMATED EXPORT SYSTEM (AES)
 FILING FOR EXPORT SHIPMENTS**
Priority: Substantive, Nonsignificant**Legal Authority:** PL 107-228, sec 404**CFR Citation:** 15 CFR 30**Legal Deadline:** None

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

Declaration was formerly required. The AES is an electronic method by which export information is transmitted. This amendment will specify the provisions and filing responsibilities of parties exporting commodities from the U.S.

Timetable:

| Action | Date |
|--------|----------|
| ANPRM | 06/00/03 |

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

Undetermined

Federalism: Undetermined

Agency Contact: Ruth Mangaroo, Regulations, Outreach, & Education Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 3125, FB-3, 4700 Silver Hill Road, Washington, DC 20233

Phone: 301 763-2238

Fax: 301 457-3765

Email: ruth.d.mangaroo@census.gov

Related RIN: Merged With 0607-AA29, Merged With 0648-AA30, Merged With 0607-AA31

RIN: 0607-AA38
Department of Commerce (DOC)
Bureau of the Census (CENSUS)

Final Rule Stage

**309. SPECIAL SERVICES AND
 STUDIES BY THE BUREAU OF THE
 CENSUS; AMENDMENTS TO AGE
 SEARCH PROCEDURES**
Priority: Substantive, Nonsignificant**Legal Authority:** 15 USC 1256; 13 USC 8**CFR Citation:** 15 CFR 50.1(d); 15 CFR 80.1(c); 15 CFR 80.1(g); 15 CFR 50.5**Legal Deadline:** None

Abstract: Chapter 1, part 50.1(d) should be amended to read as follows: If a search is unsuccessful and additional information for a further search is requested by the Bureau, such information must be received within 90 days of the request or the case will be considered closed. Additional information received after 90 days must be accompanied by a new fee and will be considered a new request. Chapter 1, part 80.1(c): Change the address from Pittsburg, Kansas 66762 to Jeffersonville, Indiana 47131. Chapter 1, part 80.1(g): The language may be clarified by changing it to read: Census information will not be furnished to another person unless the person to whom the information relates authorizes such release in the space provided on the Form BC-600. Chapter 1, part 50.5: The note following the chart of the fee structure can be eliminated since we have not had a fee increase since February 1993.

Timetable:

| Action | Date |
|--------|----------------------|
| NPRM | 09/17/01 66 FR 48013 |

| Action | Date |
|----------------------------|----------|
| NPRM Comment Period End | 10/17/01 |
| Final Action | 12/00/03 |

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

Agency Contact: Stanley M. Domzalski, Assistant Chief (Services), National Processing Center, Department of Commerce, Bureau of the Census, 1201 East 10th Street, Jeffersonville, IN 47132

Phone: 812 218-3579

Fax: 812 218-3293

RIN: 0607-AA24
**310. AUTOMATED EXPORT SYSTEM
 (AES) MANDATORY FILING FOR ALL
 ITEMS ON THE COMMERCE
 CONTROL LIST (CCL) AND THE
 UNITED STATES MUNITIONS LIST
 (USML) THAT CURRENTLY REQUIRE
 A SHIPPER'S EXPORT DECLARATION
 (SED)**
Priority: Substantive, Nonsignificant**Legal Authority:** PL 106-113, title XII**CFR Citation:** 15 CFR 30**Legal Deadline:** None

Abstract: The Bureau of the Census is amending the Foreign Trade Statistics Regulations to specify the Requirement for the Mandatory Automated Export System (AES) filing for all items on the Department of Commerce's Commerce Control List (CCL) and the United States Munitions List (USML) of the

Department of State. The AES is an electronic method by which export information can be transmitted. This amendment will specify the provisions and the responsibilities of parties exporting commodities identified on the CCL and USML via AES.

Timetable:

| Action | Date |
|----------------------------|----------------------|
| NPRM | 10/09/02 67 FR 62911 |
| NPRM Comment Period End | 12/09/02 |
| Final Action | 06/00/03 |

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

Agency Contact: Ruth Mangaroo, Regulations, Outreach, & Education Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 3125, FB-3, 4700 Silver Hill Road, Washington, DC 20233

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RIN: 0607-AA34
**311. 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

DOC—CENSUS

Final Rule Stage

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 |
|----------------------------|---------------------|
| NPRM | 01/25/02 67 FR 3631 |
| NPRM Comment Period End | 02/25/02 |
| Final Action | 12/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Robert W. Marx, Chief, Geography Division, Department of Commerce, Bureau of the Census, Stop 7400, 4700 Silver Hill Road, Washington, DC 20233-7400
Phone: 301 457-2131
Email: rmarx@geo.census.gov

RIN: 0607-AA35

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

Long-Term Actions

312. • MANDATORY AUTOMATED EXPORT SYSTEM (AES) FOR EXPORTS (RE-EXPORTS) OF ROUGH DIAMONDS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 15 CFR 30

Legal Deadline: None

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

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

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0607-AA39

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

Completed Actions

313. BUREAU OF THE CENSUS CERTIFICATION PROCESS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 50.50(a); 15 CFR 50.50(b); 15 CFR 50.50(c)

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 08/27/02 67 FR 54950 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Les Solomon
Phone: 301 763-5377
Fax: 301 457-4714

RIN: 0607-AA36

314. BUREAU OF THE CENSUS GEOGRAPHICALLY UPDATED POPULATION CERTIFICATION PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 50

Completed:

| Reason | Date |
|------------|----------------------|
| NPRM | 10/08/02 67 FR 62657 |
| Final Rule | 12/04/02 67 FR 72095 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Rodger V. Johnson
Phone: 301 763-2419

Fax: 301 457-2481

RIN: 0607-AA37

Department of Commerce (DOC)
General Administration (ADMIN)

Final Rule Stage

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

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 26

Legal Deadline: None

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

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

Timetable:

| Action | Date |
|----------------------------|---------------------|
| NPRM | 01/23/02 67 FR 3266 |
| NPRM Comment Period End | 03/23/02 |
| Final Action | 03/00/04 |

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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

RIN: 0605-AA16

Department of Commerce (DOC)
General Administration (ADMIN)

Long-Term Actions

**316. PUBLIC INFORMATION,
FREEDOM OF INFORMATION AND
PRIVACY**

Priority: Other Significant

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

Timetable:

| Action | Date |
|--------------------------|----------------------|
| NPRM | 05/31/00 65 FR 34606 |
| Next Action Undetermined | |

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Andy McCready
Phone: 202 482-8044

RIN: 0605-AA14

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

Proposed Rule Stage

**317. COMMERCIAL AVAILABILITY OF
FABRIC AND YARN**

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 345

Legal Deadline: None

Abstract: The proposed rule implements certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or AGOA) and title II of the Act (the United States—Caribbean Basin Trade Partnership Act or CBTPA) provide for quota and duty-free treatment for qualifying apparel products from designated beneficiary countries. AGOA and CBTPA authorize quota and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more

designated beneficiary countries from yarn or fabric that is not formed in the United States or a beneficiary country, provided it has been determined that such yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner. The President has delegated to the Committee for the Implementation of Textile Agreements (the Committee), which is chaired by Commerce, the authority to determine whether yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and the CBTPA, and has authorized the Committee to extend quota and duty-free treatment to apparel of such yarn or fabric. The proposed rule provides the procedure for interested parties to submit a request alleging that a yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner, the procedure for

public comments, and relevant factors that will be considered in the Committee's determination. The proposed rule also outlines the factors to be considered by the Committee in extending quota- and duty-free treatment.

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 11/00/03 |

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Janet Heinzen, International Trade Specialist, Department of Commerce, International Trade Administration, 3106, Office of Textiles and Apparel, Washington, DC 20230
Phone: 202 482-4006

RIN: 0625-AA59

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

Final Rule Stage

318. 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 |
|------------------------------|----------------------|
| Interim Final Rule | 03/20/98 63 FR 13516 |
| Interim Final Rule Effective | 03/20/98 |
| Final Action | 10/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

RIN: 0625-AA51

319. IMPORT OF CERTAIN WORSTED WOOL FABRIC: IMPLEMENTATION OF TARIFF RATE QUOTA ESTABLISHED UNDER TITLE V OF THE TRADE AND DEVELOPMENT ACT OF 2000

Priority: Other Significant

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

CFR Citation: 15 CFR 335; 15 CFR 340

Legal Deadline: None

Abstract: On January 22, 2001, the Department of Commerce issued interim regulations implementing section 501(e) and section 504(b) of the Trade and Development Act of 2000

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

Timetable:

| Action | Date |
|---------------------------------------|---------------------|
| Interim Final Rule | 01/22/01 66 FR 6459 |
| Interim Final Rule Comment Period End | 03/23/01 |
| Final Rule | 11/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 0625-AA58

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

Completed Actions

320. PROPOSED CHANGES IN THE INSULAR POSSESSIONS WATCH, WATCH MOVEMENT, AND JEWELRY PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 303

Completed:

| Reason | Date |
|------------|----------------------|
| Final Rule | 12/18/02 67 FR 77407 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Faye Robinson
 Phone: 202 482-3526

RIN: 0625-AA57

321. ESTABLISHMENT OF STEEL IMPORT LICENSING AND SURGE-MONITORING PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 19 CFR ch III

Completed:

| Reason | Date |
|------------|----------------------|
| Final Rule | 12/31/02 67 FR 97845 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Roland MacDonald
 Phone: 202 482-1275

RIN: 0625-AA60

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

Prerule Stage

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

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; PL 106-387; EO 13026; EO 13222; 67 FR 53721

CFR Citation: 15 CFR 740

Legal Deadline: None

Abstract: This notice will seek public comments on the potential impact of proposals to amend the Export Administration Regulations to clarify

the scope of items for which License Exception APR is available and, possibly, to narrow the scope of this license exception. The transactions that such an amendment could affect are all described in 15 CFR 740.16(a) and (b). These paragraphs deal with transactions to from and among countries in Country Group A:1 and cooperating countries as defined in 15 CFR part 740, supp. No. 1.

Timetable:

| Action | Date |
|--------|----------|
| ANPRM | 05/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0694-AC69

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

Proposed Rule Stage

323. CHEMICAL WEAPONS CONVENTION REGULATIONS

Priority: Other Significant

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

CFR Citation: 15 CFR 710 et seq

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

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

RIN: 0694-AB06

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

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 18 USC 2510; 22 USC 3201; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222; 66 FR 56965; 67 FR 53721; EO 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; EO 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; ...

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

Legal Deadline: None

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

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

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 06/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

DOC—BIS

Proposed Rule Stage

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RIN: 0694—AC20

**325. PROTECTIVE EQUIPMENT
EXPORT LICENSE JURISDICTION**

Priority: Routine and Frequent
Legal Authority: Not Yet Determined
CFR Citation: 15 CFR 774
Legal Deadline: None
Abstract: Export Control Classification
Number (ECCN) 1A004 in the

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

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 07/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694—AC64

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

Final Rule Stage

**326. ENTITY LIST REVISION: KHAN
RESEARCH LABORATORIES**

Priority: Substantive, Nonsignificant
Legal Authority: 50 USC app 2401 et
seq; 50 USC 1701 et seq; 22 USC 3201
et seq; 42 USC 2139a; EO 12002; EO
12058; EO 12214; EO 12938; EO 13026;
EO 13222; ...
CFR Citation: 15 CFR 744
Legal Deadline: None

Abstract: The Export Administration
Regulations (EAR) provide that the
Bureau of Industry and Security (BIS)
may inform the public, individually or
through amendment to the EAR, that
a license is required for exports or
reexports to certain entities. The EAR
contain a list of such entities called the
Entity List. This rule revises the entry
for Abdul Qader Khan Research
Laboratories, located in Kahuta,
Pakistan. Abdul Qader Khan Research
Laboratories is also known as Khan
Research Laboratories. Because Khan
Research Laboratories has changed its
name to Institute of Industrial Control
Systems (IICS), this rule adds Institute
of Industrial Control Systems (IICS) as
an a.k.a. under the entity Abdul Qader
Khan Research Laboratories. In
addition, this rule makes a revision to
clarify that when BIS publishes in the
Federal Register information regarding
entities in the Entity List that it is
informing not only exporters but the
public.

Timetable:

| Action | Date |
|---|----------------------|
| Addition to Entity List | 05/16/97 62 FR 26922 |
| Addition to Entity List | 06/30/97 62 FR 35334 |
| Addition to Entity List | 06/30/97 62 FR 35335 |
| Revision to Entity List | 10/01/97 62 FR 51369 |
| Addition to Entity List - Russian Entities | 07/29/98 63 FR 40363 |
| Revisions and Additions to Entity List | 05/14/01 66 FR 24264 |
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy
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RIN: 0694—AB60

**327. EXPORTS AND REEXPORTS OF
EXPLOSIVE DETECTION SYSTEMS;
EXPANSION OF FOREIGN POLICY
CONTROLS**

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

EO 12214; EO 12938; EO 13026; EO
13222; ...

CFR Citation: 15 CFR 730 to 774

Legal Deadline: None

Abstract: The Bureau of Export
Administration is amending the Export
Administration Regulations by
expanding the current scope of control
of explosive detection systems
controlled by Export Control
Classification Number (ECCN) 2A993 to
include all types of systems that detect
the presence of explosives or explosive
residue. This rule also expands the
control of these explosive detection
systems to Iraq. In addition, this rule
establishes a new licensing requirement
on the export and reexport of software
designed or modified for the
development, production, or use of
explosive detection systems to Iran,
Iraq, Sudan, and Syria for antiterrorism
reasons.

Timetable:

| Action | Date |
|--------------------|----------|
| Interim Final Rule | 09/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman,
Export Policy Analyst, Department of
Commerce, Bureau of Industry and
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RIN: 0694—AB87

DOC—BIS

Final Rule Stage

328. EXPORTS AND REEXPORTS TO SUDAN**Priority:** Other Significant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 700 to 799**Legal Deadline:** None**Abstract:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to reflect the imposition of economic sanctions on Sudan, as a result of the issuance of Executive Order 13067 on November 3, 1997. The Executive Order delegates implementation responsibility to the Department of the Treasury's Office of Foreign Assets Control, including authority for exports and certain reexports. In addition, this rule makes editorial revisions to the EAR relating to embargoes and antiterrorism controls.**Timetable:**

| Action | Date |
|--------------------|----------|
| Interim Final Rule | 11/00/03 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security
Phone: 202 482-2440
Email: squarter@bis.doc.gov**RIN:** 0694-AC05**329. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS RELATED TO THE MISSILE TECHNOLOGY CONTROL REGIME (MTCR)****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 740; 15 CFR 774; 15 CFR 742**Legal Deadline:** None**Abstract:** Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to amend the Commerce Control List to

reflect the reformatted Missile Technology Control Regime (MTCR) Annex of October 14, 1999 (Noordwijk/TEM). This final rule also amends Country Group A:2, MTCR, to add the Czech Republic, Korea (Republic of), Poland, Turkey, and Ukraine.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 07/00/03 |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 482-2440
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Email: scook@bis.doc.gov**RIN:** 0694-AC22**330. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS (EAR)****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 730; 15 CFR 732; 15 CFR 734; 15 CFR 736; 15 CFR 740; 15 CFR 746; 15 CFR 748; 15 CFR 752; 15 CFR 758; 15 CFR 772; 15 CFR 774**Legal Deadline:** None**Abstract:** This rule amends the Export Administration Regulations by making certain revisions and clarifications and, in some cases, inserts material inadvertently omitted from previous rules.**Timetable:**

| Action | Date |
|--------------|----------|
| Final Action | 12/00/03 |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security,2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230
Phone: 202 482-2440

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RIN: 0694-AC24**331. LICENSE EXCEPTION AVS: CUBA, LIBYA, SERBIA****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) by allowing equipment, spares, and plane stores under the provisions of License Exception AVS on foreign registered aircraft subject to the EAR that are temporarily reexported to Libya and Serbia, and on U.S.- or foreign-registered aircraft subject to the EAR that are temporarily exported or reexported to Cuba.**Timetable:**

| Action | Date |
|--------------------|----------|
| Interim Final Rule | 09/00/03 |

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**RIN:** 0694-AC33**332. CHEMICAL WEAPONS CONVENTION: REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; EO 12002; EO 12058; EO 12214; EO 12938; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 700 to 799**Legal Deadline:** None

DOC—BIS

Final Rule Stage

Abstract: The Bureau of Industry and Security (BIS) administers export controls on certain toxic chemicals and precursors that are listed in the “Schedules of Chemicals” contained within the “Annex on Chemicals” to the “Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction,” also known as the Chemical Weapons Convention (CWC). This rule amends the CWC provisions in the Export Administration Regulations (EAR) to clarify BIS licensing requirements and policies for chemicals and precursors controlled for chemical weapons reasons.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 12/00/03 |

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

RIN: 0694–AC35

333. EXPORTS TO AFGHANISTAN (THE TALIBAN) AND LIBERIA: IMPOSITION OF FOREIGN POLICY CONTROLS

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 730 to 774

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) to implement United Nations Security Council (UNSC) Resolutions 1333 of December 19, 2000, and 1343 of March 7, 2001, which mandated embargoes on the sale or supply of arms-related items, including technical assistance and training, to the Taliban and to Liberia, respectively. These steps taken by the Bureau of Industry and Security (BIS) supplement controls implemented by the Department of State on exports

of defense articles and services to the Taliban and to Liberia under the International Traffic in Arms Regulations. BIS already requires a license for the export and reexport to Afghanistan and Liberia of most of the items subject to the EAR that fall within the scope of the UNSC-mandated ban on arms-related items (e.g., items controlled for regional stability and crime control reasons).

Timetable:

| Action | Date |
|------------|----------|
| Final Rule | 09/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security
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RIN: 0694–AC45

334. ELIMINATION OF “NATIONAL SECURITY” AS A REASON FOR CONTROL FOR CERTAIN ITEMS ON THE COMMERCE CONTROL LIST

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 742; 15 CFR 774

Legal Deadline: None

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

are transferred to the United States Munitions List. The other two items (muzzle-loading firearms and technology for the design, production or use of muzzle-loading firearms) are now EAR99.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 07/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0694–AC54

335. IMPOSITION AND EXPANSION OF CONTROLS ON DESIGNATED PERSONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 1701; 50 USC 2401; 22 USC 3201; EO 13099; EO 13222; ...

CFR Citation: 15 CFR 744; 15 CFR 772

Legal Deadline: None

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

DOC—BIS

Final Rule Stage

Specially Designated Terrorists (SDTs) and Foreign Terrorist Organizations (FTOs). OFAC also maintains the lists of SDTs and FTOs found in appendix A to 31 C.F.R. chapter V and identified by the bracketed initials [SDT] and [FTO], respectively.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 09/00/03 |

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

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RIN: 0694-AC60**336. LICENSE APPLICATION DENIAL POLICY, "RED FLAG" INDICATORS OF POSSIBLE INAPPROPRIATE END-USE, END-USER, OR DESTINATION****Priority:** Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; EO 13026; EO 13222; 22 USC 3201; 42 USC 2139a; EO 12058; EO 12851; EO 12938; EO 12947; EO 13026; EO 13099; EO 13222; EO 13224

CFR Citation: 15 CFR 732; 15 CFR 744.11

Legal Deadline: None

Abstract: This rule makes explicit BIS's policy of denying export license applications when a sanction imposed on a party pursuant to a statute requires such denial. Such sanctions are imposed for activities contrary to United States foreign policy interests or that contribute to the proliferation of weapons of mass destruction. This rule also makes the imposition of such sanctions or publication of a party's name on the BIS "Unverified List" a "red flag" triggering a need for heightened scrutiny when dealing with such parties in transactions that are subject to the Export Administration Regulations.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 08/00/03 |

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Agency Contact: William Arvin, Department of Commerce, Bureau of Industry and Security
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RIN: 0694-AC68**337. • REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS — CHEMICAL AND BIOLOGICAL WEAPONS CONTROLS: AUSTRALIA GROUP (JUNE 2002 PLENARY MEETING)****Priority:** Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 8 USC 2510; 22 USC 3201; 42 USC 2139a; PL 106-387; PL 107-56; EO 12058; EO 12851; EO 12938; EO 13026; EO 13222

CFR Citation: 15 CFR 742; 15 CFR 744; 15 CFR 745; 15 CFR 774

Legal Deadline: None

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

Timetable:

| Action | Date |
|------------|----------|
| Final Rule | 05/00/03 |

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

RIN: 0694-AC70**338. • REVISIONS OF AIRCRAFT EXPORT LICENSING JURISDICTION BASED ON REVIEW OF THE UNITED STATES MUNITIONS LIST****Priority:** Substantive, Nonsignificant

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

CFR Citation: 15 CFR 748; 15 CFR 774

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) to implement decisions to move export licensing jurisdiction of certain types of cargo aircraft and parts therefor from the Department of State, Office of Defense Trade Controls (DTC) to the Department of Commerce, Bureau of Industry and Security (BIS) and to move export licensing jurisdiction for certain jet trainer aircraft and specially designed component parts from BIS to DTC. A complementary rule amending the International Traffic in Arms Regulations will be published by the Department of State. This rule implements decisions reached in the on-going review of the United States Munitions List that is part of the Defense Trade Security Initiative. That initiative, announced on May 24, 2000 at a NATO ministerial meeting by the Secretary of State, includes annual review of portions of the United States Munitions List with the objective of reviewing the entire list every four years.

Timetable:

| Action | Date |
|------------|----------|
| Final Rule | 09/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William Arvin, Department of Commerce, Bureau of Industry and Security
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RIN: 0694-AC74**339. • REVISIONS OF ENERGETIC MATERIAL EXPORT LICENSING JURISDICTION BASED ON REVIEW OF THE UNITED STATES MUNITIONS LIST****Priority:** Substantive, Nonsignificant

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

CFR Citation: 15 CFR 742; 15 CFR 770; 15 CFR 748

Legal Deadline: None

Abstract: This final rule amends the Export Administration Regulations (EAR) to implement decisions to move export licensing jurisdiction of certain

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Final Rule Stage

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

Timetable:

| Action | Date |
|------------|----------|
| Final Rule | 05/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

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RIN: 0694-AC75

340. • EXPORT ADMINISTRATION REGULATIONS: ENCRYPTION CLARIFICATIONS AND REVISIONS

Priority: Routine and Frequent

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

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

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) to clarify when encryption commodities and software may be given de minimis treatment, when short-range wireless devices incorporating encryption may be given mass market or retail treatment, and to provide guidance on when exporters are required to submit encryption review requests. It also expands the authorizations for which travelers departing the United States may take encryption for their personal

use. Finally this rule implements changes to the Wassenaar Arrangement List of dual-use items that eliminate from Export Control Classification Number (ECCN) 5A002 certain types of "Personalized smart cards" and equipment specially designed and limited to controlling access to copyright protected data.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 05/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0694-AC78

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

Long-Term Actions

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

Priority: Other Significant

CFR Citation: 15 CFR 774 Supplement No. 1

Timetable:

| Action | Date |
|---|----------------------|
| Transfer of Communications Satellites | 10/23/92 57 FR 48312 |
| Navigation and Avionics | 06/23/93 58 FR 34211 |
| Final Rule - Transfer of Commercial Communication Satellites | 09/08/93 58 FR 47322 |
| Transfer of Items From the USMI to the CCL; Imposition of Certain Foreign Policy Controls | 10/26/93 58 FR 57549 |
| Satellite Fuel | 09/29/97 62 FR 50865 |
| Next Action | Undetermined |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Brian Nilsson
 Phone: 202 482-4196

RIN: 0694-AA52

342. ADMINISTRATION OF STATE LOG EXPORTS BAN

Priority: Other Significant

CFR Citation: 15 CFR 754

Timetable:

| Action | Date |
|---------------|----------------------|
| ANPRM | 06/07/95 60 FR 30030 |
| ANPRM Comment | 07/07/95 |
| Final Action | To Be Determined |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State, Local

Agency Contact: Willard Fisher
 Phone: 202 482-2440

RIN: 0694-AB25

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

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 730 to 799

Timetable:

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Brian Nilsson
 Phone: 202 482-4196

RIN: 0694-AB41

344. CLARIFICATION OF LICENSE EXCEPTION GFT (HUMANITARIAN DONATIONS)

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 740

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Long-Term Actions

Timetable:

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Hillary Hess

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RIN: 0694-AB49**345. EXPORTS OF TECHNOLOGY AND SOFTWARE; RELEASE OF TECHNOLOGY OR SOURCE CODE TO FOREIGN NATIONALS IN THE UNITED STATES****Priority:** Other Significant**CFR Citation:** 15 CFR 730 to 799**Timetable:**

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Sharron Cook

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RIN: 0694-AB59**346. INDIA AND PAKISTAN SANCTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 774**Timetable:**

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Hillary Hess

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RIN: 0694-AB73**347. EXPANSION OF LICENSE EXCEPTION CIV ELIGIBILITY FOR MICROPROCESSORS CONTROLLED BY ECCN 3A001****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 774**Timetable:**

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Hillary Hess

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Email: hhess@bis.doc.gov

RIN: 0694-AB90**348. EXPORT OF TECHNOLOGY AND SOFTWARE THROUGH ELECTRONIC TRANSMISSIONS, DOWNLOADS, AND PROGRAMMING ONTO HARDWARE****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 700 to 799**Timetable:**

| Action | Date |
|--------|------------------|
| ANPRM | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Sharron Cook

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RIN: 0694-AB97**349. EXPORT ADMINISTRATION REGULATIONS: SUPPORT DOCUMENTATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748**Timetable:**

| Action | Date |
|--------------------|------------------|
| Interim Final Rule | To Be Determined |

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined**Agency Contact:** Sharron Cook

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Email: scook@bis.doc.gov

RIN: 0694-AC04**350. ANTITERRORISM CONTROLS ON IRAQ****Priority:** Other Significant**CFR Citation:** 15 CFR 700 to 799**Timetable:**

| Action | Date |
|--------------------|------------------|
| Interim Final Rule | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman

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RIN: 0694-AC06**351. EXPANSION OF LICENSE EXCEPTION GOV; EXPORTS AND REEXPORTS TO INTERNATIONAL ORGANIZATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 774**Timetable:**

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Sheila Quarterman

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RIN: 0694-AC15**352. DE MINIMIS EXPANSION OF ELIGIBILITY: U.S. ORIGIN SOFTWARE INCORPORATED INTO FOREIGN-MADE RETAIL COMMODITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 774**Timetable:**

| Action | Date |
|--------------------|------------------|
| Interim Final Rule | To Be Determined |

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Long-Term Actions

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Sharron Cook

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RIN: 0694-AC17**353. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748 to 750**Timetable:**

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Sharron Cook

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RIN: 0694-AC23**354. SHORT SUPPLY CONTROLS: CRUDE OIL EXPORTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 750; 15 CFR 754**Timetable:**

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Willard Fisher

Phone: 202 482-2440

RIN: 0694-AC25**355. OFFSETS IN MILITARY EXPORTS****Priority:** Other Significant**CFR Citation:** 15 CFR 701**Timetable:**

| Action | Date |
|--------|------------------|
| NPRM | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Brad Botwin

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RIN: 0694-AC27**356. ENTITY LIST: ADDITIONS AND REVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 799**Timetable:**

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Sharron Cook

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RIN: 0694-AC28**357. CRIME CONTROL ITEMS: REVISIONS TO THE COMMERCE CONTROL LIST****Priority:** Other Significant**CFR Citation:** 15 CFR 730 to 799**Timetable:**

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Sheila Quarterman

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RIN: 0694-AC31**358. REVISIONS TO ENCRYPTION ITEMS****Priority:** Other Significant**CFR Citation:** 15 CFR 730 to 799**Timetable:**

| Action | Date |
|-------------|----------------------|
| Final Rule | 10/19/00 65 FR 62600 |
| Next Action | Undetermined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Brian Nilsson

Phone: 202 482-4196

RIN: 0694-AC32**359. CLARIFICATIONS TO PART 753: SPECIAL COMPREHENSIVE LICENSE REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 700 to 799**Timetable:**

| Action | Date |
|--------------|------------------|
| 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

RIN: 0694-AC34**360. ADDITION AND REVISION OF MISSILE PROJECTS IN THE EXPORT ADMINISTRATION REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 740**Timetable:**

| Action | Date |
|--------------------|------------------|
| Interim Final Rule | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** Sharron Cook

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RIN: 0694-AC46**361. REVISION, SUSPENSION, OR PROHIBITION OF USE OF "NO LICENSE REQUIRED" PROVISIONS****Priority:** Routine and Frequent**CFR Citation:** 15 CFR 732; 15 CFR 738; 15 CFR 758**Timetable:**

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Sharron Cook

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Long-Term Actions

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 RIN: 0694-AC47

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

Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 738; 15 CFR 742
Timetable:

| Action | Date |
|--------------------------|----------------------|
| ANPRM | 12/20/01 66 FR 65666 |
| Next Action Undetermined | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook
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RIN: 0694-AC48

363. EXPORTS TO THE FEDERAL REPUBLIC OF YUGOSLAVIA: LIFTING OF SANCTIONS

Priority: Substantive, Nonsignificant
CFR Citation: 15 CFR 732; 15 CFR 738; 15 CFR 746; 15 CFR 758
Timetable:

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sheila Quarterman
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RIN: 0694-AC57

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

Priority: Routine and Frequent
CFR Citation: 15 CFR 774
Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharron Cook
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 Fax: 202 482-3355
 Email: scook@bis.doc.gov

RIN: 0694-AC63

365. ● REVISIONS TO LICENSE EXCEPTION TSR: EXPANSION TO SCOPE OF ELIGIBLE COUNTRIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations (EAR) the increase the number of countries to which certain technology and software may be exported or reexported under License Exception TSR.

Timetable:

| Action | Date |
|------------|------------------|
| Final Rule | To Be Determined |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Matthew Blaskovich, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, MS 2705, 14th & Pennsylvania Ave., N.W., Washington, DC 20230
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RIN: 0694-AC71

366. ● REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON THE 2002 MISSILE TECHNOLOGY CONTROL REGIME PLENARY AGREEMENTS

Priority: Routine and Frequent

Legal Authority: 50 USC 2401; 50 USC 1701; EO 13222; EO 13026; 18 USC 2510; ...

CFR Citation: 15 CFR 772; 15 CFR 774

Legal Deadline: None

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

Timetable:

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Matthew Blaskovich, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, MS 2705, 14th & Pennsylvania Ave., N.W., Washington, DC 20230
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RIN: 0694-AC76

367. ● ADDITION OF EAST TIMOR, NETHERLANDS ANTILLES, AND ARUBA TO THE EXPORT ADMINISTRATION REGULATIONS

Priority: Routine and Frequent

Legal Authority: 50 USC 2401; 50 USC 1701; EO 13026; 18 USC 2510; 10 USC 7420; ...

CFR Citation: 15 CFR 740; 15 CFR 738

Legal Deadline: None

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

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Long-Term Actions

Timetable:

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 0694-AC77

368. • GENERAL ORDER ON EXPORTS TO IRAQ

Priority: Substantive, Nonsignificant

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

CFR Citation: 15 CFR 736

Legal Deadline: None

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

by State Department accredited non-governmental organizations.

Timetable:

| Action | Date |
|--------------|------------------|
| Final Action | To Be Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

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

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RIN: 0694-AC79

Department of Commerce (DOC)

Bureau of Industry and Security (BIS)

Completed Actions

369. IMPLEMENTATION OF THE 2002 WASSENAAR ARRANGEMENT LIST OF DUAL-USE ITEMS: REVISIONS TO CATEGORIES 2, 3, 4, 5, 6, 7, AND 9 OF THE COMMERCE CONTROL LIST, GENERAL SOFTWARE NOTE, AND REPORTING REQUIREMENTS

Priority: Routine and Frequent

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

Completed:

| Reason | Date |
|------------|----------------------|
| Final Rule | 03/05/03 68 FR 10586 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sharron Cook

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RIN: 0694-AC65

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0694-AC66

the headings for ECCNs 9B115 and 9B116 and adding a List of Items Controlled section to those ECCNs to clarify that all missile technology production equipment and facilities are subject to the Export Administration Regulations (EAR) and controlled on the Commerce Control List (CCL). The September 18, 2002 rule inadvertently omitted ECCN 9A011 from the List of Items Controlled sections of ECCNs 9B115 and 9B116, although it appears in the headings of those ECCNs. This rule corrects that oversight.

Timetable:

| Action | Date |
|------------|----------------------|
| Final Rule | 11/21/02 67 FR 70157 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

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Related RIN: Related To 0694-AC51

RIN: 0694-AC72

370. REVISION OF EXPORT CONTROLS FOR GENERAL PURPOSE MICROPROCESSORS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 744; 15 CFR 772; 15 CFR 774

Completed:

| Reason | Date |
|------------|---------------------|
| Final Rule | 01/14/03 68 FR 1796 |

371. • CORRECTION TO RULE ENTITLED: MISSILE TECHNOLOGY PRODUCTION EQUIPMENT AND FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430; 18 USC 2510; 22 USC 287c; 22 USC 3201; 22 USC 6004; 30 USC 185; 42 USC 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 Supp 1

Legal Deadline: None

Abstract: This rule corrects two errors in the List of Items Controlled sections for Export Controlled Classification Numbers (ECCNs) 9B115 and 9B116 that were revised in a final rule that was published by the Bureau of Industry and Security (BIS) on September 18, 2002 (67 FR 58691). That rule stated that BIS was revising

Department of Commerce (DOC)

Proposed Rule Stage

National Institute of Standards & Technology (NIST)

372. • PROCEDURES FOR IMPLEMENTATION OF THE NATIONAL CONSTRUCTION SAFETY TEAM ACT**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 7301 et seq.**CFR Citation:** 15 CFR 270**Legal Deadline:** None**Abstract:** The Director of the National Institute of Standard and Technology (NIST), Technology Administration (TA), U.S. Department of Commerce (DOC), requests comments on proposed regulations pertaining to the

implementation of the National Construction Safety Team Act (Act). The proposed rule establishes procedures regarding the establishment and deployment of National Construction Safety Teams and for the conduct of investigations under the Act.

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 08/00/03 |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dr. James E. Hill, Deputy Director, Department of Commerce, National Institute of Standards & Technology, Mail Stop 8600, Building and Fire Research Laboratory, Gaithersburg, MD 20899-8600

Phone: 301 975-5900

RIN: 0693-AB53

Department of Commerce (DOC)

Final Rule Stage

National Institute of Standards & Technology (NIST)

373. • PROCEDURES FOR IMPLEMENTATION OF THE NATIONAL CONSTRUCTION SAFETY TEAM ACT**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 7301 et seq;
5 USC 553**CFR Citation:** 15 CFR 270**Legal Deadline:** None**Abstract:** The Director of the National Institute of Standard and Technology (NIST), Technology Administration, U.S. Department of Commerce, requests comments on an interim final rule pertaining to the implementation of the National Construction Safety Team Act

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

Timetable:

| Action | Date |
|---|---------------------|
| Interim Final Rule | 01/30/03 68 FR 4693 |
| Interim Final Rule Comment Period End | 03/03/03 |
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dr. James E. Hill, Deputy Director, Department of Commerce, National Institute of Standards & Technology, Mail Stop 8600, Building and Fire Research Laboratory, Gaithersburg, MD 20899-8600

Phone: 301 975-5900

RIN: 0693-AB52

Department of Commerce (DOC)

Prerule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE**374. FLEET CAPACITY CONTROL FOR U.S. TROLL ALBACORE TUNA FISHING IN CANADIAN WATERS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 50 CFR 300**Legal Deadline:** None**Abstract:** This rule will implement limits on albacore tuna fishing by vessels of the United States in Canadian waters pursuant to the U.S.-Canada Albacore Fishing Treaty. In accordance with recent amendments to that Treaty, the United States is obliged to ensure that U.S. vessels do not fish for more than a set number of days

each year 2003-2005. This will require methods to monitor fishing effort and notify U.S. vessel owners/operators of the date on which further U.S. fishing must cease. In turn, U.S. vessel operators/owners will be required to furnish reports of entry to and exit from Canadian waters and to provide points of contact for notices of closures. In addition, the Treaty requires that the United States exchange fishery data each year. The rule will require maintenance and submission of logbooks of fish catch and fishing effort in Canadian and U.S. waters each year.

Timetable:

| Action | Date |
|--------|----------|
| ANPRM | 11/00/03 |

Action
ANPRM Comment
Period End**Date**
12/00/03NPRM
03/00/04**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Svein Fougner, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Southwest Region, 501 W. Ocean Boulevard, Long Beach, CA 90802
Phone: 562 980-4040**RIN:** 0648-AQ22

DOC—NOAA

Prerule Stage

375. • AMENDMENT 1 TO THE SPINY DOGFISH FISHERY MANAGEMENT PLAN**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would revise the rebuilding program and other management measures in the FMP.**Timetable:**

| Action | Date |
|-----------------------------|----------|
| ANPRM | 02/00/04 |
| ANPRM Comment Period End | 03/00/04 |
| Final Action | 07/00/04 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200**RIN:** 0648-AQ86**376. • CONTROL DATE FOR THE SMALL MESH MULTISPECIES (SILVER HAKE, OFFSHORE HAKE, AND RED HAKE) FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would announce that the New England Fishery Management Council intends to develop a new amendment to address limited access in the small mesh multispecies fishery. A new control date would reflect current participation levels, should the Council require such a benchmark when developing a new limited access program. The new control date would enable the Council to inform the industry that the Council is considering future action to control the number of participants in the fishery and that anyone entering the fishery after the control date will not be assured of future access, should a management regime that limits the number of participants in the fishery be prepared and implemented.**Timetable:**

| Action | Date |
|-----------------------------|----------|
| ANPRM | 06/00/03 |
| ANPRM Comment Period End | 07/00/03 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9200**RIN:** 0648-AQ89**377. • ENDANGERED AND THREATENED SPECIES; FINDING FOR A PETITION TO REVISE CRITICAL HABITAT FOR NORTHERN RIGHT WHALES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 216.203**Legal Deadline:** None**Abstract:** The National Marine Fisheries Service announces the receipt of a petition to revise critical habitat for the endangered western North Atlantic right whales. NMFS finds that the petition presents substantial scientific information indicating that this action may be warranted and is soliciting public comment and information on the petition. NMFS will determine how to proceed with the petitioned action within 12 months after receiving the petition.**Timetable:**

| Action | Date |
|--------------------|----------------------|
| Notice | 11/19/02 67 FR 69708 |
| Comment Period End | 01/21/03 |
| Finding | 11/00/03 |

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Agency Contact:** Patricia Lawson, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2322
Email: patricia.lawson@noaa.gov**RIN:** 0648-AQ53**378. • TAKING AND IMPORTING OF MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO MISSILE LAUNCH ACTIVITIES BY THE U.S. NAVY AT SAN NICOLAS ISLAND, CALIFORNIA****Priority:** Routine and Frequent**Legal Authority:** 16 USC 1371(a)(5)(A)**CFR Citation:** 50 CFR 216.101 to 216.108**Legal Deadline:** None**Abstract:** The National Marine Fisheries Service has received an application from the U.S. Navy for regulations under section 101(a)(5)(A) of the MMPA to take non-endangered seals and sea lions incidental to conducting missile launch operations from San Nicolas Island, California. Target missile launches are used to support test and training activities associated with the Naval Air Warfare Center's Point Mugu Sea Range. In order to authorize the taking and issue authorizations, NMFS must, through regulations, determine that the proposed activity will have no more than a negligible impact on the affected species and stocks of marine mammals.**Timetable:**

| Action | Date |
|-----------------------------|----------|
| ANPRM | 05/00/03 |
| ANPRM Comment Period End | 06/00/03 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20912
Phone: 301 713-2055
Email: ken.hollingshead@noaa.gov**RIN:** 0648-AQ61**379. • ENDANGERED SPECIES AND PESTICIDE REGULATION****Priority:** Other Significant**Legal Authority:** 16 USC 1536**CFR Citation:** 50 CFR 402.04**Legal Deadline:** None**Abstract:** NOAA, FWS, and EPA are jointly exploring the issuance of "counterpart regulations." Issued under

DOC—NOAA

Prerule Stage

the authority of the Endangered Species Act, these regulations would establish a separate section 7 consultation process for EPA, relative to pesticides actions under the Federal Insecticides, Fungicide and Rodenticide Act (FIFRA) that may affect endangered and threatened species.

Timetable:

| Action | Date |
|-----------------------------|----------|
| ANPRM | 05/00/03 |
| ANPRM Comment Period End | 06/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2289

RIN: 0648-AQ69

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

Priority: Routine and Frequent

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

CFR Citation: 50 CFR 216.101-108

Legal Deadline: None

Abstract: The National Marine Fisheries Service has received an application from the U.S. Minerals

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

Timetable:

| Action | Date |
|-----------------------------|----------|
| ANPRM | 05/00/03 |
| ANPRM Comment Period End | 06/00/03 |

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

381. • DESIGNATE CRITICAL HABITAT; WITHDRAW PREVIOUS DESIGNATIONS

Priority: Info./Admin./Other

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226; 50 CFR 424

Legal Deadline: None

Abstract: This rule (1) describes an approach for developing these critical habitat designations; (2) announces the NOAA Fisheries intent to conduct a series of public workshops to review a pilot area designation; (3) solicits public comment on the proposed designation approach and information to support the critical habitat designations; and (4) amends the Code of Federal Regulations to withdraw the previous critical habitat designations for 19 of the ESUs which were vacated by court order in April 2002.

Timetable:

| Action | Date |
|-----------------------------|----------|
| ANPRM | 05/00/03 |
| ANPRM Comment Period End | 06/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal

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

Phone: 206 526-6150

Fax: 206 526-6426

RIN: 0648-AQ77

Department of Commerce (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

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

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

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 01/00/04 |

| Action | Date |
|----------------------------|----------|
| NPRM Comment Period End | 02/00/04 |

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, 9721 Executive

DOC—NOAA

Proposed Rule Stage

Center Drive N., St. Petersburg, FL
33702-2432
Phone: 727 570-5305
Fax: 727 570-5583

RIN: 0648-AG87

383. ESTABLISH CENTRAL REGISTRY FOR LIMITED ACCESS SYSTEM PERMITS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: This action will establish a central registry for limited access system permits as required by the Magnuson-Stevens Fishery Conservation and Management Act section 305(h).

Timetable:

| Action | Date |
|-----------------------------|----------------------|
| ANPRM | 05/07/97 62 FR 24897 |
| ANPRM Comment Period End | 08/05/97 |
| NPRM | 08/00/03 |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2396
Email: charles.cooper@noaa.gov

RIN: 0648-AJ77

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 09/00/03 |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

RIN: 0648-AK26

385. ADJUSTMENT OF MANAGEMENT PROGRAM: BOTTOMFISH FISHERIES IN THE HAWAIIAN ISLANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 01/00/04 |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

RIN: 0648-AK82

386. REVISE EXEMPTED FISHING REGULATIONS TO SPECIFY COMPENSATORY FISHING UNDER EXEMPTED FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: This action would revise current exempted fishing regulations to specifically authorize the use of an exempted fishing permit as the method of allowing the compensation of private vessels for their conduct of resource assessment. Specific methodology for vessel compensation would be developed on a fishery-by-fishery basis. The rule would also make other minor changes in the regulations.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 12/00/03 |

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2334
Email: john.dunnigan@noaa.gov

RIN: 0648-AK84

387. AMENDMENT 11 TO THE FISHERY MANAGEMENT PLAN FOR THE CRUSTACEAN FISHERIES OF THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

Abstract: Amendment 11 to the Western Pacific Remote Crustaceans Fishery Management Plan would add the exclusive economic zone waters off the U.S. Pacific Island Areas and the Commonwealth of the Northern Mariana Islands as crustaceans management areas.

DOC—NOAA

Proposed Rule Stage

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 01/00/04 |

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

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

RIN: 0648-AL67

388. FISHERY MANAGEMENT PLAN FOR CALICO SCALLOP FISHERY IN THE SOUTH ATLANTIC REGION (FMP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

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

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 12/00/03 |

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, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432
Phone: 727 570-5305
Fax: 727 570-5583

RIN: 0648-AL78

389. AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO (FMP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

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

Abstract: Amendment 10 would extend the FMP requirements for using bycatch reduction devices in shrimp trawls in the exclusive economic zone from Cape San Blas, Florida, east and south to the boundary line (in South Florida) between the areas of jurisdiction of the Gulf of Mexico and South Atlantic Fishery Management Councils.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 12/00/03 |

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 0648-AM23

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 01/00/04 |

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: 808 973-2985

RIN: 0648-AM98

391. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC FMP

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 640

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

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 12/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast Region, Department of Commerce,

DOC—NOAA

Proposed Rule Stage

National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432
Phone: 727 570-5305
Fax: 727 570-5583

RIN: 0648-AN08

392. AMENDMENT 18 TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

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

Abstract: Amendment 18 would address the need for improved conservation of grouper stocks in the Gulf of Mexico by establishing additional closed seasons and areas.

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 10/00/03 |

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, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432
Phone: 727 570-5305
Fax: 727 570-5583

RIN: 0648-AN09

393. AMENDMENT 10 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

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

Abstract: Amendment 10 would implement a management strategy that would incorporate rotational closed areas for rebuilding the sea scallop

resource and address essential fish habitat issues. This action may replace or modify the current DAS reduction schedule.

Timetable:

| Action | Date |
|--------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment | 12/00/03 |
| Period End | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0648-AN16

394. AMENDMENT 13 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

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

Abstract: This action would amend the FMP to address the Magnuson-Stevens Act requirement to implement a stock rebuilding program for all of the regulated multispecies. Management measures may include a days-at-sea reduction, gear reductions and area management.

Timetable:

| Action | Date |
|--------------|----------|
| NPRM | 12/00/03 |
| NPRM Comment | 01/00/04 |
| Period End | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia 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-AN17

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

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

Timetable:

| Action | Date |
|--------------|----------|
| NPRM | 01/00/04 |
| NPRM Comment | 03/00/04 |
| Period End | |

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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

RIN: 0648-AN76

396. REGULATORY AMENDMENT MODIFYING THE GULF OF MEXICO BRD PROTOCOL UNDER THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO (FMP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

Legal Deadline: Final, Statutory, Final 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

DOC—NOAA

Proposed Rule Stage

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 |
|--------|----------|
| NPRM | 06/00/03 |

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

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

RIN: 0648-AN84**397. FISHERY MANAGEMENT PLAN (FMP) FOR SARGASSUM HABITAT OF THE SOUTH ATLANTIC****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of end of NPRM comment period.

Abstract: The regulatory action implementing measures in the FMP would: (1) establish a total prohibition of all harvest and possession of Sargassum from the South Atlantic exclusive economic zone (EEZ) south of 34 degrees N latitude; (2) allow a limited annual harvest of 5,000 pound landed wet weight of Sargassum from the South Atlantic EEZ 100 miles seaward of the shore between 34 degrees N latitude and the latitude line representing the North Carolina/Virginia border during the months of November through June; (3) require an official observer to be present on each Sargassum harvesting trip; and (4) require that nets used to harvest Sargassum be constructed of four-inch stretch mesh or larger fitted to a frame no larger than 4 feet by 6 feet. Restricting the harvest of Sargassum may result in the one small business entity ceasing business operations. The firm qualifies as a

small business entity because its gross revenues do not exceed \$3.0 million annually. The value of the 1997 harvest (the last documented year in which harvest occurred) was estimated to be \$36,000. The average annual value of the harvest from 1976 to 1997 was estimated to be \$61,000. Additionally, there is no indication that harvest has occurred since 1997. Therefore, the SAFMC concluded that the indirect benefits of increased productivity of marine life and non-consumptive, non-use social benefits that would result from reduced harvest levels would greatly outweigh the direct impacts to the one intermittently operating business.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

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, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432
Phone: 727 570-5305
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RIN: 0648-AN87**398. MANAGEMENT MEASURES FOR THE NORTHEAST SKATE COMPLEX****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of the end of the NPRM comment period.

Abstract: This action would establish a fishery management plan for the seven species of skates found in the Northeast. Management measures would be established to end overfishing on two of the seven species of skate and to provide basic protection for the remaining five species.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

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

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

RIN: 0648-AO10**399. FISHERY MANAGEMENT PLAN FOR THE DOLPHIN AND WAHOO FISHERY OF THE ATLANTIC, CARIBBEAN, AND GULF OF MEXICO (FMP) OF THE ATLANTIC****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of the end of NPRM comment period.

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 07/00/03 |
| NPRM Comment Period End | 09/00/03 |

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, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432
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RIN: 0648-AO63

DOC—NOAA

Proposed Rule Stage

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: 50 CFR 622

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

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 08/00/03 |
| NPRM Comment Period End | 10/00/03 |

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, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432

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RIN: 0648-AP02

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

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

Abstract: Amendment 13 will revise permit transfers, revise maximum

sustainable yield (MSY) and overfishing definitions, revise snowy grouper and golden tilefish management measures, and include a formal section 7 analysis on the interaction of gear (with an emphasis on black sea bass traps) with endangered and threatened species.

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 08/00/03 |

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

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

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AP03

402. REVISION OF AMERICAN LOBSTER REGULATIONS FOR THE EEZ

Priority: Other Significant

Legal Authority: 16 USC 5101 et seq

CFR Citation: 50 CFR 697

Legal Deadline: None

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

reduction schedule for LCMA 3, and a logbook requirement for LCMA 3 lobster vessels. Addendum III would further modify Addendum II's gauge increase schedule and include new management measures for the majority of the LCMAs.

Timetable:

| Action | Date |
|-----------------------------|----------------------|
| ANPRM | 05/24/01 66 FR 28726 |
| ANPRM Comment Period End | 06/25/01 |
| ANPRM | 09/05/02 67 FR 56800 |
| ANPRM Comment Period End | 10/07/02 |
| NPRM | 02/00/04 |

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State, Local

Agency Contact: Thomas Meyer, Fisheries Biologist, Office of Intergovernmental/Recreational Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Suite 425, 8484 Georgia Avenue, Silver Spring, MD 20910

Phone: 301 427-2014

RIN: 0648-AP18

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, Final rule must be published 30 days after end of comment period on the proposed rule.

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 3 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

DOC—NOAA

Proposed Rule Stage

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 |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 12/00/03 |

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: 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

404. IMPLEMENTATION OF FISHERY MANAGEMENT PLAN FOR HIGHLY MIGRATORY SPECIES FISHERIES OFF THE WEST COAST

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This action would implement the Fishery Management Plan (FMP) for Highly Migratory Species Fisheries off the West Coast. The FMP is currently under development by the Pacific Fishery Management Council (Council) under the terms of the Magnuson-Stevens Act and other applicable law. The FMP will both establish a process for implementing regulations as deemed necessary in the future and provide a basis for initial regulation of selected fishery sectors (e.g., drift gillnet and longline) to ensure conservation of the fish stocks involved and protection of species of special concern such as sea turtles and seabirds. The FMP will include substantial environmental and economic analyses consistent with the requirements of the National Environmental Policy Act, the Regulatory Flexibility Act, and Executive Order 12296 and other laws and orders. Steps for reviewing and

implementing approved elements of the FMP are set forth in the Magnuson-Stevens Act and include provisions for publication of proposed and final rules within certain time periods.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 08/00/03 |
| NPRM Comment Period End | 11/00/03 |
| Final Action | 12/00/03 |
| Final Action Effective | 01/00/04 |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

RIN: 0648-AP42

405. REGULATORY AMENDMENT UNDER THE COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 622

CFR Citation: 50 CFR 622

Legal Deadline: Final, Statutory, Final 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, this action would establish biomass-based stock status criteria such as maximum-sustainable yield (MSY), optimum yield (OY), and definitions of overfishing and overfished using default control rules as required by the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 12/00/03 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast

Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432

Phone: 727 570-5305

Fax: 727 570-5583

RIN: 0648-AP50

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 622

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

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 12/00/03 |
| NPRM Comment Period End | 02/00/04 |

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roy Crabtree, Regional Administrator, Southeast

DOC—NOAA

Proposed Rule Stage

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RIN: 0648-AP51

407. ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES; AMENDMENT 13

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 40 CFR 648

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

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

Timetable:

| Action | Date |
|--------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment | 07/00/03 |
| Period End | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0648-AP57

408. ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES; AMENDMENT 9

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

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

Abstract: Amendment 9 to the Fishery Management Plan for the Atlantic

Mackerel, Squid and Butterfish Fisheries would establish a controlled access program for mackerel, address essential fish habitat, and revise the Illex quota procedures.

Timetable:

| Action | Date |
|--------------|----------|
| NPRM | 02/00/04 |
| NPRM Comment | 03/00/04 |
| Period End | |

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Patricia 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

409. IMPLEMENT A VESSEL MONITORING SYSTEM UNDER THE SOUTH PACIFIC TUNA ACT

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 50 CFR 300

Legal Deadline: None

Abstract: This rulemaking will implement an electronic vessel monitoring system under the South Pacific Tuna Act. The system is satellite-based with individual U.S. purse seine vessels providing automatic location information to the Forum Fisheries Agency located in Honiara, Solomon Islands. This rule will require that all U.S. purse seine vessels operating within the South Pacific Tuna Treaty Area shall participate and shall install and operate a transponder of the type and in such a manner as agreed upon by the parties to the "Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America" (implemented as the South Pacific Tuna Act).

Timetable:

| Action | Date |
|--------------|----------|
| NPRM | 12/00/03 |
| NPRM Comment | 02/00/04 |
| Period End | |

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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

Phone: 808 973-2985

RIN: 0648-AP61

410. REVISE COMMUNITY DEVELOPMENT QUOTA PROGRAM ADMINISTRATION AND ALLOCATION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This action will revise regulations governing the process under which a portion of the Bering Sea and Aleutian Islands quotas for groundfish, prohibited species, crab, and halibut are allocated to groups representing Western Alaska communities eligible for the Community Development Quota (CDQ) Program. The action also will revise administrative regulations for the economic development aspects of the CDQ Program.

Timetable:

| Action | Date |
|--------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment | 12/00/03 |
| Period End | |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Federal

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

RIN: 0648-AP67

411. FULL RETENTION OF DEMERSAL SHELF ROCKFISH IN GULF OF ALASKA AREA 650

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

DOC—NOAA

Proposed Rule Stage

CFR Citation: 50 CFR 679**Legal Deadline:** None

Abstract: This regulatory rule would require full retention of demersal shelf rockfish (DSR) in the hook-and-line fisheries in the Gulf of Alaska, Regulatory Area 650. If approved, this rule would eliminate the maximum retainable bycatch limit for DSR, and require that all DSR caught by Federally permitted vessels using fixed gear in the Southeast Outside be retained, landed, weighted, and reported. When DSR is closed to directed fishing, fishermen would be allowed to retain the proceeds from the sale of any DSR not in excess of 10 percent of the aggregate round weight equivalence of IFQ Pacific halibut and groundfish species that are landed during the same fishing trip, or 1 percent of sablefish landed. Any DSR landed in excess of these limits could be retained for any use except sale, barter, or trade. This could include personal consumption or donation to a nonprofit charitable organization.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

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

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. 21668, Juneau, AK 99802
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RIN: 0648-AP73

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

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

Abstract: In October 2000, the National Marine Fisheries Service (NMFS) issued a determination that the Gulf of

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 01/00/04 |

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, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432
Phone: 727 570-5305
Fax: 727 570-5583

RIN: 0648-AP95

413. 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 |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

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

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

414. 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: Final, Statutory, February 2003, Final Rule - adjust permit renewal requirements/transferability restrictions in NWHI Hoomalu Zone and Mau Limited Access Programs.

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

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 11/00/03 |

DOC—NOAA

Proposed Rule Stage

| Action | Date |
|----------------------------|----------|
| NPRM Comment Period End | 01/00/04 |
| Final Action | 06/00/04 |

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

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

RIN: 0648—AQ20**415. FLEET CAPACITY CONTROL FOR U.S. TUNA PURSE SEINE FISHERIES IN THE EASTERN PACIFIC OCEAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 951 to 961; 16 USC 971 et seq**CFR Citation:** 50 CFR 300**Legal Deadline:** None

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 08/00/03 |
| Final Action | 09/00/03 |

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

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

RIN: 0648—AQ21**416. SECRETARIAL AMENDMENT 2 TO REEF FISH FISHERY MANAGEMENT PLAN TO SET GREATER AMBERJACK SUSTAINABLE FISHERIES ACT TARGETS AND THRESHOLDS AND TO SET REBUILDING PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622

Legal Deadline: NPRM, Statutory, December 2002.
Final, Statutory, January 2003.

Abstract: The greater amberjack resource in the Gulf of Mexico was declared overfished by the National Marine Fisheries Service (NMFS) on February 9, 2001. This determination was based on the 2000 greater amberjack stock assessment conducted by the NMFS Southeast Fisheries Science Center (SEFSC) (Turner et al. 2000) and the December 2000 Report of the Reef Fish Stock Assessment Panel (RFSAP) (GMFMC 2000). The results of several analyses indicated that the stock biomass was below the level needed to sustain harvest at maximum sustainable yield (MSY), with the best estimate indicating that the stock biomass was at less than half the biomass needed to sustain MSY, below the minimum level allowed under the 1998 NMFS National Standard Guidelines. Currently, the Reef Fish Fishery Management Plan (FMP) requires that overfished stocks be restored to a level of 20 percent transitional spawning potential ratio (SPR) within one and a half generation times. A generation time is the average time it would take a year class in an unfished population to replace itself. However, in order to comply with the requirements of the NMFS National Standard Guidelines (NSG), new biomass based targets and recovery time frame parameters need to be implemented. The greater amberjack resource is not considered by NMFS to

be undergoing overfishing at this time due to Council actions taken in 1997 and 1998 as cited in section 3.0 (1998 is the final year of data in the stock assessment). Consequently, actions to further reduce fishing mortality are not needed at this time.

This secretarial amendment proposes no changes to the current fishing regulations for greater amberjack, but does propose to establish new biomass based targets and thresholds as well as the establishment of a ten-year rebuilding plan. These measures would be in compliance with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, Sustainable Fisheries Act (SFA), NMFS NSGs, and NMFS technical guidance on implementing National Standard 1 (Restrepo et al. 1998).

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 08/00/03 |

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

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

RIN: 0648—AQ24**417. 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 |
|----------------------------|----------|
| NPRM | 09/00/03 |
| NPRM Comment Period End | 10/00/03 |

DOC—NOAA

Proposed Rule Stage

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

Agency Contact: Patricia 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
418. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN (FMP) AND AMENDMENT 2 TO THE ATLANTIC SALMON FMP
Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

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

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

RIN: 0648-AQ27
419. RECREATIONAL SPECIFICATIONS FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY FOR FISHING YEAR 2003
Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would implement recreational measures for the 2003 fishing year for the summer flounder, scup, and black sea bass fishery.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

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

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

RIN: 0648-AQ32
420. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); BIGEYE TUNA AND SWORDFISH TRADE STATISTICAL DOCUMENT PROGRAMS
Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

Abstract: This proposed rule is to comply with the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) to establish statistical document programs for trade of swordfish and bigeye tuna. This regulation will require all dealers, who export or import swordfish or bigeye tuna, complete a statistical document and ensure the document accompanies the shipment. The purpose of the ICCAT recommendation and this regulation is to assist in the conservation of swordfish and bigeye tuna, improve the reliability of statistical information of catches, and to assist ICCAT with the elimination of illegal, unreported, and unregulated fishing operations.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 12/00/03 |

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

Agency Contact: Chris Rogers, Chief for Highly Migratory Species, Department of Commerce, National

Oceanic and Atmospheric Administration, Room 13563, Bldg. SSMC3, Stop F/SF1, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2347
Fax: 301 713-1917

RIN: 0648-AQ37
421. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2003 BLUEFIN TUNA QUOTA SPECIFICATIONS AND EFFORT CONTROLS
Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None

Abstract: NMFS proposes specifications for the Atlantic bluefin tuna (BFT) fishery to set BFT quotas and General category effort controls for the 2003 fishing year. This action will implement the U.S. annual BFT quota as recommended by the International Commission on Conservation of Atlantic Tunas and allocate that quota among the domestic fishing categories. Effort controls for the General category will allocate monthly quotas and set certain restricted fishing days.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

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

Agency Contact: Chris Rogers, Chief for Highly Migratory Species, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13563, Bldg. SSMC3, Stop F/SF1, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2347
Fax: 301 713-1917

RIN: 0648-AQ38
422. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS
Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq

DOC—NOAA

Proposed Rule Stage

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NMFS is amending the regulations that implement the Atlantic Large Whale Take Reduction Plan, specifically with regard to the straight set of gillnets in the southeast U.S. Restricted Area in waters off the coasts of Georgia and Florida. The intent of this proposed rule is to prohibit straight sets of gillnets at night from November 15 through March 31, annually to reduce the risk of entanglement of large whales, including the western North Atlantic right whale. This rule was published on March 27, 2002, in the Federal Register under RIN 0648-AN88.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 12/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Patricia Lawson, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2322
Email: patricia.lawson@noaa.gov

Related RIN: Related To 0648-AN88

RIN: 0648-AQ42

423. EFH AMENDMENTS TO THE BOTTOMFISH, CRUSTACEANS, AND PRECIOUS CORALS FMPS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, February 2003, Proposed rule to implement FMP amendments. Final, Statutory, May 2003, Final rule to implement FMP amendments.

Abstract: Amendment 8, to the Bottomfish FMP, Amendment 12 to the Crustaceans FMP, and Amendment 6 to the Precious Corals FMP would revise the Essential Fish Habitat portions of the subject FMPS and include the Commonwealth of the Northern Mariana Islands and the Pacific Remote Island Areas exclusive economic zones under Western Pacific Fishery

Management Council developed management plans.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 07/00/03 |
| NPRM Comment Period End | 08/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AQ43

424. ● RULEMAKING TO CORRECT THE SALMON FISHERY COORDINATES AS IMPLEMENTED IN THE AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SALMON FISHERIES IN THE EEZ OFF THE COAST OF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking will change the area coordinates for the salmon fishery in the EEZ off Alaska to agree with the coordinates implemented by Amendment 3 to the Fishery Management Plan for the Salmon Fishery in the EEZ off Alaska.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AQ48

425. ● FRAMEWORK 3 TO THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: The action will extend the moratorium on entry to the Illex fishery while the Mid-Atlantic Fishery Management Council addresses the moratorium issue in Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish FMP. This extension is needed because the Illex moratorium program expires in July 1, 2003.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

RIN: 0648-AQ57

426. ● PACIFIC COAST GROUND FISH FISHERY; PACIFIC COAST GROUND FISH VESSEL MONITORING SYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

Abstract: This regulation would require vessels participating in the Pacific Coast groundfish fishery off the coasts of WA, OR, and CA to carry and use vessel monitoring systems (VMS) transmitters. This action is necessary to enhance monitoring of compliance with large-scale depth-based closures that are proposed to be used to prohibit most fishing activities across much of the continental shelf. In addition, this action is intended to further the conservation goals and objectives of the

DOC—NOAA

Proposed Rule Stage

Pacific Coast Groundfish FMP by allowing fishing to continue in areas and with gear that can harvest healthy stocks with little incidental catch of overfished and low abundance species. This action will also require certain vessels legally fishing within the otherwise closed area to notify NMFS when they will be fishing in the closed areas.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

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-AQ58

427. • FISHERIES OF THE UNITED STATES; NATIONAL STANDARD 1

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 600

Legal Deadline: None

Abstract: NMFS is considering revisions to the national standard guidelines for national standard 1 that specify criteria for determining overfishing and establishing rebuilding schedules. There have been concerns expressed by the scientific community, fisheries managers, the fishing industry, and environmental groups regarding the appropriateness of some aspects of these guidelines.

Timetable:

| Action | Date |
|-----------------------------|---------------------|
| ANPRM | 02/14/03 68 FR 7492 |
| ANPRM Comment Period End | 03/17/03 |
| NPRM | 06/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mark Millikin, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2341

RIN: 0648-AQ63

428. • ATLANTIC HIGHLY MIGRATORY SPECIES: BILLFISH AND SWORDFISH RECREATIONAL FISHING

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: This rule implements domestic management measures based upon recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding billfish and swordfish. The rule would limit domestic recreational landings of Atlantic blue and white marlin to 250 fish, combined, on an annual basis. Also, the rule would provide for adjustments for any landings above or below the annual cap to the following year's recreational marlin landings cap. The rule also establishes in-season adjustment authority for, and modifies bag limits in the recreational North Atlantic swordfish fishery. The Atlantic blue and white marlin measures are necessary to comply with ICCAT obligations. Modification of the North Atlantic swordfish recreational bag limit is in response to comments received regarding equitable fishing opportunities in regional fisheries.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

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 13350, Silver Spring, MD

Phone: 301 713-2334

RIN: 0648-AQ65

429. • AMENDMENT 17 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: NPRM, Statutory, February 2003.

Abstract: Since 1990, the Pacific Fishery Management Council (Council) has annually developed its recommendations for specifications and management measures in a two-meeting process (usually its September and November meetings) followed by a NMFS final action published in the Federal Register and made available for public comment and correction after the effective date of the action. In 2001, NMFS was challenged on this process in Natural Resources Defense Council, Inc. v. Evans, 2001 168 F.Supp. 2d 1149 (N.D. Cal. 2001) and the court ordered NMFS to provide prior public notice and allow public comment on the annual specifications. Amendment 17 would respond to the court's order by revising the FMP's framework for developing specifications and management measures to incorporate NMFS publication of a proposed rule for the specifications and management measures, followed by a public comment period and a final rule. Amendment 17 would also respond to NMFS regulatory streamlining initiatives by implementing a biennial specifications and management measures process for Pacific Coast groundfish. Finally, it allows additional time for Council development of the management measures.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

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

DOC—NOAA

Proposed Rule Stage

Sand Point Way NE, Building 1,
Seattle, WA 48115-0070
Phone: 206 526-6150
Fax: 206 526-6426

RIN: 0648-AQ68

430. • CONTINUATION OF MEASURES TO REDUCE FISHING MORTALITY IN THE NORTHEAST MULTISPECIES FISHERY AND IMPLEMENT A DAS LEASING PROGRAM

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: NPRM, Judicial, July 27, 2003, Court Order requires the continuation of measures implemented in the August 1, 2002, interim rule until the implementation of Amendment 13 to the Northeast Multispecies Fishery Management Plan.

Abstract: The action proposes to continue management measures currently in place, which are intended to reduce overfishing on species managed under the Northeast Multispecies Fishery Management Plan (FMP) while the New England Fishery Management Council completes development of Amendment 13 to the FMP. In addition, a days-at-sea leasing program is proposed that would allow leasing of DAS by limited access permit holders in order to increase flexibility in the fishery and enable some participants to remain economically viable.

Timetable:

| Action | Date |
|---------------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |
| Interim Final Rule | 06/00/03 |
| Interim Final Rule Effective | 07/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0648-AQ72

431. • CHANGES TO ELIGIBILITY CRITERIA FOR BERING SEA AND ALEUTIAN ISLANDS CRAB LICENSE LIMITATION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This rulemaking will amend eligibility criteria for Bering Sea and Aleutian Islands (BSAI) crab species licenses issued under the License Limitation Program which are necessary to participate in the BSAI crab fisheries. This action is necessary to allow participation in the BSAI crab fisheries in a manner intended by the North Pacific Fishery Management Council. The intended effect of this action is to prevent unnecessary restriction on the participation of vessels in the BSAI crab fisheries.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Related RIN: Related To 0648-AL95

RIN: 0648-AQ73

432. • REVISE ELIGIBILITY CRITERIA FOR BSAI PACIFIC COD ENDORSEMENTS TO GROUND FISH LICENSES ISSUED UNDER THE LICENSE LIMITATION PROGRAM (LLP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This regulatory amendment would correct the eligibility criteria for a Pacific cod endorsement for the hook-and-line or pot gear fisheries so that a person may use BSAI Pacific cod harvests to meet the eligibility criteria

for the Pacific cod endorsement if the person owned the qualifying fishing history which gave rise to a valid LLP groundfish license at the time he or she harvested Pacific cod to meet the eligibility criteria for a Pacific cod endorsement.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0648-AQ75

433. • FRAMEWORK ADJUSTMENT 38 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN (FMP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This adjustment would modify existing multispecies regulations to establish a seasonal whiting grate raised footrope trawl fishery in the inshore Gulf of Maine.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0648-AQ76

DOC—NOAA

Proposed Rule Stage

434. • IMPLEMENT BSAI FMP AMENDMENT 75—DELAYING IMPLEMENTATION OF IMPROVED RETENTION/IMPROVED UTILIZATION OF FLATFISH**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: This amendment would delay the effective date of requirements for 100 percent retention and utilization of rock sole and yellowfin sole from January 1, 2003, until June 1, 2004. The North Pacific Fishery Management Council (Council) submitted Amendment 75 to provide the Council and the affected industry with additional time to develop and assess alternatives to address groundfish discards in the groundfish fisheries of the Bering Sea and Aleutian Islands Management Area.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

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

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

RIN: 0648-AQ78**435. • ANNUAL SPECIFICATIONS FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES FOR 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

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

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 10/00/03 |

| Action | Date |
|----------------------------|----------|
| NPRM Comment Period End | 11/00/03 |

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

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

RIN: 0648-AQ80**436. • SPECIFICATIONS FOR THE 2004-2005 FISHING YEAR FOR THE SPINY DOGFISH FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 01/00/04 |
| NPRM Comment Period End | 02/00/04 |

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

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

RIN: 0648-AQ81**437. • RECREATIONAL MEASURES FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY FOR FISHING YEAR 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would implement recreational measures for the 2003 fishing year for the summer flounder, scup, and black sea bass fishery.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 01/00/04 |
| NPRM Comment Period End | 02/00/04 |

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

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

RIN: 0648-AQ82**438. • ANNUAL SPECIFICATIONS FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES FOR 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would implement the annual specifications for the Atlantic Mackerel, Squid, and Butterfish Fisheries for fishing year 2004.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 08/00/03 |
| NPRM Comment Period End | 09/00/03 |

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

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

RIN: 0648-AQ83**439. • ANNUAL SPECIFICATIONS FOR THE ATLANTIC HERRING FISHERY FOR 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: This action would implement the annual specifications for the

DOC—NOAA

Proposed Rule Stage

Atlantic Herring Fishery for fishing year 2004.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 10/00/03 |
| NPRM Comment Period End | 11/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AQ84

440. • ANNUAL SPECIFICATIONS FOR THE ATLANTIC BLUEFISH FISHERY FOR 2004

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 10/00/03 |
| NPRM Comment Period End | 11/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 0648-AQ85

441. • "OTHER SPECIES" CDQ RESERVE MANAGEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: This regulatory amendment would revise how NMFS manages the

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 08/00/03 |
| NPRM Comment Period End | 09/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. 21668, Juneau, AK 99802
Phone: 907 586-7221
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RIN: 0648-AQ88

442. • ATLANTIC HIGHLY MIGRATORY SPECIES; ATLANTIC SWORDFISH QUOTAS

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: The proposed rule would implement catch quotas for North and South Atlantic swordfish based on recommendations made by the International Commission for the Conservation of Atlantic Tunas at its 2002 meeting.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 07/00/03 |
| NPRM Comment Period End | 08/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John H. Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East-West Highway 13350, Silver Spring, MD
Phone: 301 713-2334

RIN: 0648-AQ90

443. • ADJUSTMENT OF MANAGEMENT PROGRAM; PELAGIC FISHERIES IN THE WESTERN PACIFIC REGION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 07/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Phone: 808 973-2985

RIN: 0648-AQ91

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

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

DOC—NOAA

Proposed Rule Stage

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 07/00/03 |
| NPRM Comment Period End | 09/00/03 |

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

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

Phone: 808 973-2985

RIN: 0648-AQ92

445. • EASTERN PACIFIC TUNA CONTROLS

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 300

Legal Deadline: None

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 07/00/03 |
| NPRM Comment Period End | 08/00/03 |

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: 808 973-2985

RIN: 0648-AQ93

446. • WEST COAST COASTAL PELAGIC FISHERIES SARDINE ALLOCATION SYSTEM CHANGE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: Final, Statutory, July 2003, Important changes in the allocation process and criteria for Pacific sardine.

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

Abstract: This rule will implement changes in the allocation process and criteria for Pacific sardine under the Fishery Management Plan for Coastal Pelagic Species Fisheries off the West Coast. The annual quota is set for all fishing coastwide, but the allocation system recognizes that there is seasonality in the availability of the fish to different portions of the coast. The current allocation system is being reviewed because some interests believe it unnecessarily restricts the fisheries and prevents achievement of the full allowable harvest of Pacific sardine. However, the current system was intended to ensure that fishing interests with long-standing involvement in the fishery would not be unfairly disadvantaged relative to new entrants into the fishery. The fishery has recently expanded to waters off Oregon and Washington, and these new entrants would like better opportunity to ensure that the full quota will be taken each year. Southern interests are concerned that there is too little known about the relationship between the northern component of the sardine stock and the southern component. Research is planned to address this point. However, a temporary adjustment in the allocation system may be warranted while this research is being conducted.

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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

RIN: 0648-AQ94

447. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); ATLANTIC SHARK 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 implement management measures to amend some of the shark regulations currently issued under the Fishery Management Plan for Atlantic tunas, swordfish and sharks. Management measures that could change include commercial fishing quotas, recreational retention limits, minimum sizes, prohibited species, and the process for issuing permits for highly migratory species caught for display purposes. These changes would affect fishermen fishing for highly migratory species in the Atlantic, Gulf of Mexico, and Caribbean Sea.

Timetable:

| Action | Date |
|----------------------------|----------------------|
| Notice | 11/15/02 67 FR 69180 |
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |

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 13350, Silver Spring, MD
Phone: 301 713-2334

RIN: 0648-AQ95

DOC—NOAA

Proposed Rule Stage

448. • ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC MACKEREL**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** Final, Statutory, July 2003.

The Coastal Pelagics Fisheries regulations require that the annual specifications for Pacific mackerel will be published in the FR before July 1, the start of the fishing season.

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 06/00/03 |
| Final Action | 07/00/03 |

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

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

RIN: 0648-AQ96**449. • ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC SARDINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660

Legal Deadline: Final, Statutory, January 2004, The CPS fisheries regulations require that the annual specs for Pacific sardine be published

in the Federal Register before January 1, the start of the fishing year.

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 11/00/03 |
| NPRM Comment Period End | 11/00/03 |
| Final Action | 12/00/03 |

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

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

RIN: 0648-AQ97**450. AMEND REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1371(a)(6)**CFR Citation:** 50 CFR 216**Legal Deadline:** None

Abstract: This action implements certain changes in the prohibitions on importing or exporting marine mammals or marine mammal parts and products that occurred with the enactment of the Marine Mammal Protection Act Amendments of 1994 (Pub. L. 104-238). This action prohibits the export of marine mammals or marine mammal products for purposes other than public display, scientific research, or enhancing the survival of a species or stock and establishes three new categories of exceptions to the prohibition on importing marine mammal parts and products. This is a

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

Timetable:

| Action | Date |
|----------------------------|----------|
| NPRM | 07/00/03 |
| NPRM Comment Period End | 09/00/03 |

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

Agency Contact: Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2289

RIN: 0648-AH83**451. NORTH ATLANTIC WHALE PROTECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq; 16 USC 1531 et seq**CFR Citation:** 50 CFR 216; 50 CFR 222**Legal Deadline:** None

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

Timetable:

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

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

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

RIN: 0648-AM85

DOC—NOAA

Proposed Rule Stage

452. 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 |
|-----------------------------|---------------------|
| ANPRM | 01/30/02 67 FR 4379 |
| ANPRM Comment Period End | 04/01/02 |
| NPRM | 12/00/03 |
| NPRM Comment Period End | 02/00/04 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Trevor Spradlin, Marine Mammal Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2289

Email: trevor.spradlin@noaa.gov

RIN: 0648-AN43**453. ENDANGERED AND THREATENED SPECIES: PERMIT EXEMPTIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 16 USC 1531 et seq; 16 USC 742a et seq; 31 USC 9701**CFR Citation:** 50 CFR 222**Legal Deadline:** None**Abstract:** NMFS is providing exceptions to prohibitions to allow Federal and State employees to perform conservation activities.**Timetable:**

| Action | Date |
|--------|----------|
| NPRM | 06/00/03 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** LaMont Jackson, Fishery Biologist, Department of

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

Phone: 301 713-1401

Fax: 301 713-0376

Email: terri.jordan@noaa.gov

RIN: 0648-AO37**454. CAPTIVE STELLER SEA LIONS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 16 USC 1531 to 1543; 16 USC 1361 et seq**CFR Citation:** 50 CFR 223**Legal Deadline:** None**Abstract:** This rule is to provide exception to captive Steller sea lions (those captured before listing) to assist the public display community in commerce involving these animals.**Timetable:**

| Action | Date |
|----------------------------|----------|
| NPRM | 06/00/03 |
| NPRM Comment Period End | 07/00/03 |

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Jennifer Lyn Skidmore, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13710, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2289

Fax: 301 713-0376

Email: jennifer.skidmore@noaa.gov

RIN: 0648-AO61**455. 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 unmitigable adverse impact on the availability of marine mammal species or stocks for subsistence uses.

Timetable:

| Action | Date |
|-----------------------------|----------------------|
| ANPRM | 11/05/01 66 FR 55909 |
| ANPRM Comment Period End | 12/05/01 |
| NPRM | 06/00/03 |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State**Agency Contact:** Kenneth Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Room 13600, Silver Spring, MD 20910

Phone: 301 713-2322

Fax: 301 713-0376

Email: ken.hollingshead@noaa.gov

RIN: 0648-AP62**456. ANNUAL SPECIFICATIONS FOR THE SURF CLAM AND OCEAN QUAHOG FISHERIES FOR 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None**Abstract:** This action would implement the annual specifications for the Surf Clam and Ocean Quahog Fisheries for fishing year 2004.**Timetable:**

| Action | Date |
|----------------------------|----------|
| NPRM | 10/00/03 |
| NPRM Comment Period End | 11/00/03 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul, Regional Administrator, Northeast Region, NMFS, Department of

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Proposed Rule Stage

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

RIN: 0648-AQ79

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

457. REVISION OF OVERFLIGHT REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 et seq

CFR Citation: 15 CFR 922

Legal Deadline: None

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

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 05/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Phone: 301 713-3125

RIN: 0648-AI91

458. INTERAGENCY CONSULTATION FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Priority: Other Significant

Legal Authority: 16 USC 1434(d)

CFR Citation: 15 CFR 922

Legal Deadline: None

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

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 12/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Helen Golde, Department of Commerce, National Oceanic and Atmospheric Administration, Room 11536, Marine Sanctuaries Division, 1305 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-3145

RIN: 0648-AL06

459. 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 |
|--------|----------|
| NPRM | 05/00/03 |

Regulatory Flexibility Analysis Required: Undetermined

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

Department of Commerce (DOC)

Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

460. REGULATORY AMENDMENT TO ALLOCATE PACIFIC HALIBUT TO THE CHARTER BOAT FLEET

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 773c

CFR Citation: 50 CFR 300

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

Abstract: This action establishes measures to manage the halibut charter boat industry off Alaska.

Timetable:

| Action | Date |
|-------------------------|---------------------|
| NPRM | 01/28/02 67 FR 3867 |
| NPRM Comment Period End | 02/27/02 |
| Final Action | 06/00/03 |

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. 21668, Juneau, AK 99802
Phone: 907 586-7221

Fax: 907 586-7249

RIN: 0648-AK17

461. PROPOSED HIGHLY MIGRATORY SPECIES PROCESS

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 635

Legal Deadline: None

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

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Final Rule Stage

amendments to the Magnuson-Stevens Fishery Management Act.

Timetable:

| Action | Date |
|----------------------------|----------------------|
| NPRM | 09/18/97 62 FR 48990 |
| NPRM Comment Period End | 10/15/97 |
| Final Action | 06/00/03 |

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

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

Email: john.dunnigan@noaa.gov

RIN: 0648-AK40

462. REGULATORY AMENDMENT TO REINSTATE 6000-POUND TRIP LIMIT OF HALIBUT IN AREA NORTHEAST OF THE BERING SEA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

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

Abstract: This regulatory amendment would reinstate a 6000-pound halibut trip limit in the halibut management area northeast of the Bering Sea.

Timetable:

| Action | Date |
|----------------------------|----------------------|
| NPRM | 10/15/02 67 FR 63600 |
| NPRM Comment Period End | 11/14/02 |
| Final Action | 06/00/03 |

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. 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AL97

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

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: Final, Statutory, One year from approval of overfishing definitions. Final regulations to be published within 30 days of end of NPRM comment period.

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

Timetable:

| Action | Date |
|----------------------------|---------------------|
| NPRM | 02/07/03 68 FR 6386 |
| NPRM Comment Period End | 03/10/03 |
| Final Action | 06/00/03 |

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. 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AM30

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

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

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

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

Timetable:

| Action | Date |
|--------|----------------------|
| NPRM | 09/24/02 67 FR 59824 |

| Action | Date |
|----------------------------|----------------------|
| Correction | 10/22/02 67 FR 64861 |
| NPRM Comment Period End | 10/24/02 |
| Final Action | 06/00/03 |

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: 808 973-2985

RIN: 0648-AM97

465. ATLANTIC HIGHLY MIGRATORY SPECIES FISHERIES; ATLANTIC BLUEFIN TUNA INCIDENTAL CATCH

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: NMFS is considering rulemaking on modifications to the target catch requirements for the incidental longline fishery for Atlantic bluefin tuna (BFT). NMFS requests comments on possible changes to Atlantic tuna regulations prior to drafting proposed changes to those regulations.

Timetable:

| Action | Date |
|-----------------------------|----------------------|
| ANPRM | 11/17/00 65 FR 69492 |
| ANPRM Comment Period End | 12/14/00 |
| Comment Period Extended | 01/16/01 |
| NPRM | 12/24/02 67 FR 78404 |
| NPRM Comment Period End | 02/07/03 |
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Chris Rogers, Chief for Highly Migratory Species, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13563, Bldg. SSMC3, Stop F/SF1, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910

DOC—NOAA

Final Rule Stage

Phone: 301 713-2347

Fax: 301 713-1917

RIN: 0648—AO75

466. ATLANTIC HIGHLY MIGRATORY SPECIES; EXEMPTED FISHING PERMITS PROCEDURES**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 635**Legal Deadline:** None**Abstract:** NMFS amends procedures for issuing exempted fishing permits for fishing activities that are otherwise prohibited, and for scientific research permits.**Timetable:**

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

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** John Dunnigan, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2334
Email: john.dunnigan@noaa.gov

RIN: 0648—AO79

(ISFMP). Addendum I to Amendment 3 of the ISFMP, approved by the Atlantic States Marine Fisheries Commission (ASMFC) on August 3, 1999, provides for the control of fishing effort as determined by historical participation in the American lobster trap fisheries in offshore waters of the Exclusive Economic Zone (EEZ) and areas of the EEZ closer to shore between New York and North Carolina. The addendum also clarifies lobster management area boundaries in Massachusetts waters. In addition, the ISFMP calls for the implementation of conservation equivalent trap limits in New Hampshire waters.

Timetable:

| Action | Date |
|-------------------------|---------------------|
| NPRM | 01/03/02 67 FR 282 |
| NPRM Comment Period End | 02/19/02 |
| Comment Period Extended | 02/19/02 67 FR 4697 |
| Final Action | 11/00/03 |

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal**Agency Contact:** Thomas Meyer, Fisheries Biologist, Office of Intergovernmental/Recreational Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Suite 425, 8484 Georgia Avenue, Silver Spring, MD 20910
Phone: 301 427-2014

RIN: 0648—AP15

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

Timetable:

| Action | Date |
|-------------------------|----------------------|
| NPRM | 12/12/02 67 FR 76329 |
| Correction | 12/30/02 67 FR 79550 |
| NPRM Comment Period End | 01/28/03 |
| Comment Period Extended | 01/29/03 68 FR 4161 |
| Final Action | 06/00/03 |

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—AP25

467. AMERICAN LOBSTER FISHERY; REVISIONS TO LOBSTER TRAP LIMITS, CONSERVATION EQUIVALENCY IN NEW HAMPSHIRE WATERS, AND CLARIFICATION OF LOBSTER MANAGEMENT BOUNDARIES PER ADDENDUM 1**Priority:** Other Significant**Legal Authority:** 16 USC 5101 et seq**CFR Citation:** 50 CFR 697**Legal Deadline:** None**Abstract:** NMFS announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for Federal permit holders associated with Amendment 3 of the Interstate Fishery Management Plan for American Lobster**468. FISHING CAPACITY REDUCTION PROGRAM FOR THE CRAB SPECIES COVERED BY THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRABS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 16 USC 1861a; 46 USC 1279f; PL 106-554**CFR Citation:** 50 CFR 600**Legal Deadline:** Final, Statutory, May 1, 2001, Publish Final Regulations. Other, Statutory, December 31, 2001, Complete Fishing Capacity Reduction Program.**Abstract:** This action establishes a fishing capacity reduction program in**469. BOTTOMFISH AND PELAGICS FISHERIES FMP AMENDMENTS REGARDING BYCATCH PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None**Abstract:** This action would bring these FMPs into compliance with the Sustainable Fisheries Act regarding previously disapproved bycatch provisions.**Timetable:**

| Action | Date |
|--------------|----------|
| Final Action | 11/00/03 |

Regulatory Flexibility Analysis**Required:** No

DOC—NOAA

Final Rule Stage

Government Levels Affected: None

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

RIN: 0648–AP54

470. BOTTOMFISH, CRUSTACEANS, PELAGICS, AND PRECIOUS CORALS FISHERIES FMP AMENDMENTS REGARDING FISHING COMMUNITIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

Abstract: This action would bring these FMPs into compliance with the Sustainable Fisheries Act regarding previously disapproved categorization of the State of Hawaii as a fishing community.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 0648–AP55

471. AMENDMENT TO REGULATIONS FOR OBSERVER AT-SEA ELECTRONIC COMMUNICATION EQUIPMENT REQUIREMENTS FOR VESSELS AND SHORESIDE PROCESSORS IN THE NORTH PACIFIC GROUND FISH FISHERIES

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

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

Abstract: This rulemaking would refine requirements for the facilitation of

observer data transmission and improve support for observers. The rulemaking is intended to assure continued collection of high-quality observer data to support the management objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska.

Timetable:

| Action | Date |
|-------------------------|----------------------|
| NPRM | 07/25/02 67 FR 48604 |
| NPRM Comment Period End | 08/26/02 |
| Final Rule | 06/00/03 |

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. 21668, Juneau, AK 99802
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648–AP66

472. ANTARCTIC MARINE LIVING RESOURCES VESSEL MONITORING SYSTEM AND CATCH DOCUMENTATION SCHEME

Priority: Other Significant

Legal Authority: 16 USC 2341 et seq

CFR Citation: 50 CFR 300

Legal Deadline: None

Abstract: This rule would lengthen the duration of the permit required to enter a Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Ecosystem Monitoring Program (CEMP) site from one year to five years. The rule would define the CCAMLR fishing season and require the use of an automated satellite-linked vessel monitoring system (VMS) for U.S. vessels harvesting Antarctic marine living resources (AMLR) in the area of the Convention on the Conservation of Antarctic Marine Living Resources (Convention). The rule would also require a non-resident consignee to designate a resident agent; prohibit the importation of Dissostichus species declared as harvested in certain high seas areas outside the Convention area; prohibit the import of

Dissostichus species issued a Specially Validated Dissostichus Catch Document (SVDCD); provide guidance on the disposition of AMLR seized by law enforcement personnel; and propose regulations to modify requirements for U.S. receivers and importers of Dissostichus species harvested in all waters, including those under the jurisdiction of CCAMLR. This rule is intended to implement U.S. obligations as a member of CCAMLR and to conserve Antarctic and Patagonian toothfish by preventing and discouraging unlawful harvest and trade in these species.

Timetable:

| Action | Date |
|-------------------------|----------------------|
| NPRM | 10/22/02 67 FR 64853 |
| NPRM Comment Period End | 11/18/02 |
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Dean Swanson, Chief, International Fisheries Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2276
Email: dean.swanson@noaa.gov

RIN: 0648–AP74

473. IFQ RECORDKEEPING AND REPORTING REQUIREMENTS FOR CATCHER VESSELS; BSAI AMENDMENT 72 AND GOA AMENDMENT 64

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 679

Legal Deadline: None

Abstract: Amendments 72/64 will revise the submittal time limit for the individual fishing quotas (IFQ) prior notice of landing; will combine the IFQ shipment report into the groundfish product transfer report; will remove the vessel clearance requirement; will remove authorized IFQ ports of landing from Table 14; and will revise the IFQ departure report.

DOC—NOAA

Final Rule Stage

Timetable:

| Action | Date | |
|-------------------------|----------|-------------|
| Notice | 10/29/02 | 67 FR 65941 |
| Comment Period End | 12/27/02 | |
| NPRM | 01/24/03 | 68 FR 3485 |
| NPRM Comment Period End | 02/24/03 | |
| Final Action | 06/00/03 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. 21668, Juneau, AK 99802
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RIN: 0648-AP92

474. EXTENSION OF AN EMERGENCY INTERIM RULE TO IMPLEMENT 2002 STELLER SEA LION PROTECTION MEASURES AND HARVEST SPECIFICATIONS FOR THE BERING SEA/ALEUTIAN ISLANDS AREA AND THE GULF OF ALASKA

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 3631 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** Other, Statutory, July 8, 2002, Extension of emergency interim rule.

Abstract: The extension of an emergency interim rule continues to implement Steller sea lion protection measures to avoid the likelihood that the groundfish fisheries off Alaska will jeopardize the continued existence of the western population of Steller sea lions or adversely modify their critical habitat. This action also extends final 2002 harvest specifications and associated management measures for the groundfish fisheries of the Bering Sea and Aleutian Islands management area and the Gulf of Alaska through December 31, 2002.

Timetable:

| Action | Date | |
|--------------------|----------|-------------|
| Interim Final Rule | 05/16/02 | 67 FR 34860 |
| Correction | 10/18/02 | 67 FR 64315 |
| Final Action | 06/00/03 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. 21668, Juneau, AK 99802
Phone: 907 586-7221
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Related RIN: Related To 0648-AP69

RIN: 0648-AQ02

475. SUBSISTENCE FISHERY FOR PACIFIC HALIBUT IN WATERS OFF ALASKA

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 773-773k**CFR Citation:** 50 CFR 300; 50 CFR 679**Legal Deadline:** None

Abstract: NMFS proposes regulations to authorize a subsistence fishery for Pacific halibut in waters off Alaska. These regulations are necessary to allow qualified persons to practice the long-term customary and traditional harvest of Pacific halibut for food in a noncommercial manner. This action is intended to meet the conservation and management requirements of the Northern Pacific Halibut Act of 1982 (Halibut Act) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Timetable:

| Action | Date | |
|-------------------------|----------|-------------|
| NPRM | 08/26/02 | 67 FR 54767 |
| NPRM Comment Period End | 09/25/02 | |
| Final Action | 11/00/03 | |

Regulatory Flexibility Analysis

Required: No

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

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

RIN: 0648-AQ09

476. CAPITAL CONSTRUCTION FUND PROCEDURES

Priority: Substantive, Nonsignificant**Legal Authority:** 46 USC 1177**CFR Citation:** 50 CFR 259**Legal Deadline:** None

Abstract: This action simplifies and clarifies program regulations and eases restrictions on reconstructions to promote fleet safety, reliability, and efficiency.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 11/00/03 |

Regulatory Flexibility Analysis

Required: No

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

Agency Contact: Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2396

Email: charles.cooper@noaa.gov

RIN: 0648-AQ16

477. 2003-2004 MANAGEMENT MEASURES FOR COMMERCIAL, RECREATIONAL, AND TREATY INDIAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** Final, Statutory, May 2003.

Abstract: The annual management measures for the 2003-2004 fishing year specify allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selective fisheries, and in-season notice procedures.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 05/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest

DOC—NOAA

Final Rule Stage

Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115-0070
Phone: 206 526-6150
Fax: 206 526-6426

RIN: 0648-AQ17

478. ANNUAL SPECIFICATIONS FOR THE ATLANTIC BLUEFISH FISHERY FOR FISHING YEAR 2003

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement the annual specifications for the Atlantic Bluefish Fishery for fishing year 2003.

Timetable:

| Action | Date |
|----------------------------|--------------------|
| NPRM | 01/06/03 68 FR 533 |
| NPRM Comment Period End | 01/21/03 |
| Final Action | 07/00/03 |

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 0648-AQ26

479. FRAMEWORK 2 TO THE MONKFISH FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This framework would amend the overfishing criteria in the Monkfish Fishery Management Plan and establish measures for fishing year 2003-2004.

Timetable:

| Action | Date |
|--------|----------------------|
| NPRM | 03/07/03 68 FR 11023 |

| Action | Date |
|----------------------------|----------|
| NPRM Comment Period End | 03/24/03 |
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 0648-AQ29

480. SPECIFICATIONS FOR THE 2003-2004 FISHING YEAR FOR THE SPINY DOGFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

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

Timetable:

| Action | Date |
|----------------------------|----------------------|
| NPRM | 03/10/03 68 FR 11346 |
| NPRM Comment Period End | 03/25/03 |
| Final Action | 05/00/03 |

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 0648-AQ34

481. FRAMEWORK 37 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This framework action would establish year-4 measures for the whiting fishery.

Timetable:

| Action | Date |
|----------------------------|---------------------|
| NPRM | 02/25/03 68 FR 8731 |
| NPRM Comment Period End | 03/27/03 |
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 0648-AQ35

482. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); LARGE AND SMALL COASTAL SHARK COMMERCIAL MANAGEMENT MEASURES

Priority: Substantive, Nonsignificant

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

CFR Citation: 50 CFR 635

Legal Deadline: None

Abstract: The rule would address large and small coastal shark commercial management measures based on new stock assessments.

Timetable:

| Action | Date |
|----------------|----------------------|
| Emergency Rule | 12/27/02 67 FR 78990 |
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Chris Rogers, Chief for Highly Migratory Species, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13563, Bldg. SSMC3, Stop F/SF1, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910
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RIN: 0648-AQ39

DOC—NOAA

Final Rule Stage

483. INCREASE IN ALLOWABLE PERCENTAGE OF POLLOCK ROE**Priority:** Routine and Frequent**Legal Authority:** 16 USC 773 et seq; 16 USC 1801 et seq; 16 USC 3631 et seq; PL 106-31; PL 105-277**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: This regulatory amendment would increase from 7 to 9 percent the percentage of pollock roe that may be retained by operators of catcher/processors and motherships processing pollock harvested in the BSAI. This action is necessary because catcher/processors and motherships have been able to increase their pollock roe recovery rate since the passage of the American Fisheries Act through cooperative fishing practices and more precise timing of fishing activity.

Timetable:

| Action | Date |
|----------------------------|---------------------|
| NPRM | 02/11/03 68 FR 6865 |
| NPRM Comment Period End | 03/13/03 |
| Final Action | 06/00/03 |

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

Agency Contact: James W. Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, P.O. 21668, Juneau, AK 99802
Phone: 907 586-7221
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RIN: 0648-AQ44**484. OPENING WATERS TO PACIFIC COD POT FISHING OFF CAPE BARNABAS AND CATON ISLAND IN THE GULF OF ALASKA****Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

Abstract: This action would remove restriction on directed fishing for Pacific cod by federally permitted vessels using pot gear in waters within 3 nautical miles of Cape Barnabas and Caton Island Steller sea lion haulouts in the Gulf of Alaska. This action is necessary to provide consistency between State of Alaska and Federal fishing regulations.

Timetable:

| Action | Date |
|----------------------------|---------------------|
| NPRM | 02/18/03 68 FR 7750 |
| NPRM Comment Period End | 03/20/03 |
| Final Action | 06/00/03 |

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. 21668, Juneau, AK 99802
Phone: 907 586-7221
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RIN: 0648-AQ45**485. ● POLICIES AND PROCEDURES REGARDING USE OF THE NOAA SPACE-BASED DATA COLLECTION SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 313; 49 USC 44720; 15 USC 1525; 7 USC 450b; 5 USC 552**CFR Citation:** 15 CFR 911**Legal Deadline:** None

Abstract: NOAA is issuing a revision to our policy on the use of the NOAA Data Collection Systems to allow non-environmental users access to the GOES Data Collection System for national and Homeland Security and other critical purposes and to lift the five percent cap on the use of the ARGOS Data Collection System for the same.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 05/00/03 |

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

Agency Contact: Kay Metcalf, NOAA GOES DCS Program Manager, Department of Commerce, National Oceanic and Atmospheric Administration, NESDIS, 5200 Auth Road, FB4, Room 3320, Suitland, MD 20746
Phone: 301 467-5681
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RIN: 0648-AQ55**486. ● CORRECTED AMENDMENT FOR A CHARTER VESSEL/HEADBOAT PERMIT MORATORIUM AMENDING THE GULF REEF FISH AND COASTAL PELAGICS FMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, June 1, 2003.

Abstract: The National Marine Fisheries Service (NOAA Fisheries) promulgated the charter moratorium regulations (FR 67, 43558, June 28, 2002) to implement Amendment 14 to the Fishery Management Plan for the Coastal Migratory Fishery of the Gulf of Mexico and South Atlantic and Amendment 20 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico.

However, after reviewing the administrative record, NOAA General Counsel, NOAA Fisheries and the Gulf of Mexico Fishery Management Council (Council) determined that the amendment contained an error that did not correctly reflect the actions approved by the Council. Thus, the regulations implementing the amendment also contained this error, and not all persons entitled to receive charter vessel/headboat (for-hire) permits under the moratorium approved by the Council would be able to receive permits under the promulgated regulations. In order to ensure that no qualified participants in the fishery are wrongfully excluded under the moratorium, due to an error in the amendment, and to fully comply with Magnuson-Stevens Fishery Conservation and Management Act requirements, NOAA Fisheries is submitting this corrected amendment for Secretarial review to address this error and, as such, to reflect the actions approved by the Council. Specifically, this corrected amendment will eliminate one eligibility criteria in the final rule which states that the charter vessel headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish is limited to an owner of a vessel that had a valid Gulf charter vessel/headboat permit on the effective date of the final rule (July 29, 2002).

Timetable:

| Action | Date |
|--------|----------------------|
| Notice | 03/04/03 68 FR 10180 |
| NPRM | 03/12/03 68 FR 11794 |

DOC—NOAA

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| Action | Date |
|----------------------------|----------|
| NPRM Comment Period End | 03/27/03 |
| Final Action | 05/00/03 |

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

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

Related RIN: Related To 0648-AO62, Related To 0648-AQ59

RIN: 0648-AQ70**487. • NOTICE OF TECHNICAL REVISION TO RIGHT WHALE NOMENCLATURE AND TAXONOMY UNDER THE U.S. ENDANGERED SPECIES ACT****Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1531-1543; 16 USC 1361 et seq**CFR Citation:** 50 CFR 222; 50 CFR 226**Legal Deadline:** None

Abstract: NOAA Fisheries is revising the nomenclature and taxonomy for the northern right whale, *Balaena glacialis*, as it was listed in the List of Endangered and Threatened Wildlife revised October 1, 1999. With this revision, the northern right whale will now be classified as two separate species, the North Atlantic right whale, *Eubalaena glacialis*, and the North Pacific right whale, *Eubalaena japonica*. This revision is being made to reflect the currently accepted nomenclature for the genus as well as the genetic distinctiveness now recognized between Pacific and Atlantic right whale populations in the northern hemisphere. NOAA Fisheries is also updating the formerly-used genus *Balaena* to the genus *Eubalaena* to conform to the scientific name currently accepted by the scientific community and supported by the scientific literature.

Timetable:

| Action | Date |
|--------------|----------|
| Final Action | 08/00/03 |

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

Agency Contact: Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2289

RIN: 0648-AQ74**488. ATLANTIC LARGE WHALE 2002 SEASONAL AREA MANAGEMENT (SAM) PROGRAM****Priority:** Other Significant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229

Legal Deadline: NPRM, Judicial, November 23, 2001, The Federal District Court for the District of Massachusetts order.
Final, Judicial, December 31, 2001, The Federal District Court for the District of Massachusetts order.

Abstract: NMFS is preparing regulations to implement a SAM program for the 2002 fishing year, which was identified as a measure under the RPA that resulted from the biological opinions prepared for the Northeast multispecies, monkfish, spiny dogfish, and American lobster fisheries. The 2002 SAM program is intended as an incremental step to provide endangered western North Atlantic right whales protection from entanglement with fishing gear used in those fisheries. NMFS is preparing an EIS for more comprehensive SAM regulations for 2003 and beyond, in accordance with the National Environmental Policy Act (NEPA), to analyze the impacts on the human environment of the management alternatives under consideration. The measures that have been identified for the 2002 SAM proposed rulemaking requires reduction, elimination, and/or modification of certain types of fixed gear (i.e., gillnets and lobster traps) in specific areas off the Atlantic coast of the United States during times of the year when right whales are known to be present in significant concentrations.

Timetable:

| Action | Date |
|--------|----------------------|
| ANPRM | 10/03/01 66 FR 50390 |

| Action | Date |
|---|----------------------|
| ANPRM Comment Period End | 11/02/01 |
| NPRM | 11/28/01 66 FR 59394 |
| NPRM Comment Period End | 12/13/01 |
| Interim Final Rule | 01/09/02 67 FR 1142 |
| Interim Final Rule Comment Period End | 02/08/02 |
| Final Action | 12/00/03 |

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

Agency Contact: Patricia Lawson, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2322
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RIN: 0648-AP68**489. PROVIDE REGULATIONS FOR PERMITS FOR CAPTURE, TRANSPORT, IMPORT, AND EXPORT OF PROTECTED SPECIES FOR PUBLIC DISPLAY, AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1372 (c)**CFR Citation:** 50 CFR 216**Legal Deadline:** None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

DOC—NOAA

Final Rule Stage

Government Levels Affected: None

Agency Contact: Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2289

RIN: 0648—AH26

490. DRAFT POLICY FOR EVALUATION OF CONSERVATION EFFORTS IN MAKING LISTING DECISIONS

Priority: Info./Admin./Other

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 424

Legal Deadline: None

Abstract: This draft policy evaluates conservation efforts in making listing decisions under the Endangered Species Act (ESA). The policy identifies considerations to be used in determining whether conservation plans and agreements, management plans or other efforts provide sufficient protections to preclude or remove the need to list a species under the ESA.

Timetable:

| Action | Date |
|--------------|----------------------|
| NPRM | 06/13/00 65 FR 37102 |
| Final Action | 12/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Margaret C. Lorenz, ESA Policy Coordinator, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-1401

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RIN: 0648—AL91

491. TAKING OF THE COOK INLET, ALASKA, STOCK OF BELUGA WHALES BY ALASKA NATIVES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1371

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: 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 |
|--------------|----------------------|
| NPRM | 10/04/00 65 FR 59164 |
| NPRM Comment | 11/27/00 |
| Period End | |
| Final Action | 06/00/03 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Organizations, Governmental Jurisdictions

Government Levels Affected: Tribal, Federal

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

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RIN: 0648—AO16

492. RESTRICTIONS ON POUND NET LEADERS TO ENHANCE TURTLE PROTECTION IN VIRGINIA; THREATENED AND ENDANGERED SEA TURTLE CONSERVATION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 222; 50 CFR 223; 50 CFR 224

Legal Deadline: None

Abstract: This action involves prohibiting the use of all pound net leaders measuring 12 inches or greater stretched mesh and all pound nets with stringer leaders in the Virginia waters of the mainstem Chesapeake Bay and the waters of the James River, York River, and Rappahannock River downstream of the first bridge in each tributary from May 8 to June 30. This action also includes a provision to extend the regulation if NMFS believes that sea turtles may still be vulnerable to entanglement in pound net leaders after June 30. Should an extension of the prohibition of pound net leaders measuring 12 inches or greater stretched mesh and leaders with

stringers be necessary, NMFS will file a notification with the Office of the Federal Register explicitly stating the duration of the extension. Additionally, this action incorporates a measure that if high strandings start to occur and/or monitoring of pound net leaders reveals new information about sea turtle interactions with pound net leaders less than 12 inches stretched mesh, NMFS may determine that additional restrictions are necessary. Should this occur, NMFS will immediately file a final rule with the Office of the Federal Register which explicitly states the mandatory gear modification as well as the affected area and the time period. Such additional restrictions may include prohibiting the use of all pound net leaders measuring 8 inches or greater stretched mesh or prohibiting the use of all pound net leaders regardless of mesh size in the Virginia waters of the mainstem Chesapeake Bay and portions of the Virginia tributaries from the date of publication to June 30.

Timetable:

| Action | Date |
|--------------------|----------------------|
| NPRM | 03/29/02 67 FR 15160 |
| NPRM Comment | 04/15/02 |
| Period End | |
| Interim Final Rule | 06/17/02 67 FR 41196 |
| Interim Final Rule | 07/17/02 |
| Comment Period | |
| End | |
| Final Action | 05/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mary A. Colligan, Assistant Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS/Protected Resources, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930

Phone: 978 281-9116

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RIN: 0648—AP81

493. LISTING ENDANGERED AND THREATENED WILDLIFE AND DESIGNATING CRITICAL HABITAT; 12-MONTH FINDING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 223

Legal Deadline: None

DOC—NOAA

Final Rule Stage

Abstract: The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, announces the 90-day finding for a petition to reclassify the Northern and Florida Panhandle nesting subpopulations of the loggerhead (*Caretta caretta*) sea turtle from threatened to endangered and designate critical habitat under the Endangered Species Act (ESA). The Services find that the petition to reclassify presents substantial scientific information indicating that the petitioned action may be warranted. The Services find that the petition to designate critical habitat did not provide substantial scientific information to warrant further review. The Services will conduct a status review of the loggerhead turtle to determine whether the petitioned action is warranted. To ensure a comprehensive review, the Services are soliciting information and comments pertaining to this species from any interested party.

Timetable:

| Action | Date |
|----------------------------|----------------------|
| NPRM | 06/04/02 67 FR 38459 |
| NPRM Comment Period End | 08/05/02 |
| Final Action | 05/00/03 |

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

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

RIN: 0648-AP94

494. DESIGNATING THE EASTERN NORTH PACIFIC SOUTHERN RESIDENT STOCK OF KILLER WHALES AS DEPLETED

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1383b**CFR Citation:** 50 CFR 216**Legal Deadline:** None

Abstract: NMFS anticipates promulgating regulations to designate the Eastern North Pacific, Southern Resident stock of killer whales as

depleted under the Marine Mammal Protection Act.

Timetable:

| Action | Date |
|-----------------------------|----------------------|
| ANPRM | 06/28/02 67 FR 43586 |
| ANPRM Comment Period End | 08/30/02 |
| NPRM | 01/30/03 68 FR 4719 |
| NPRM Comment Period End | 03/31/03 |
| Final Action | 06/00/03 |

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

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

Phone: 301 713-2055

Fax: 301 713-4060

Email: tom.eagle@noaa.gov

RIN: 0648-AQ00

495. DESIGNATION OF CRITICAL HABITAT FOR GULF STURGEON

Priority: Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 226**Legal Deadline:** NPRM, Judicial, May 23, 2002.

Final, Judicial, February 28, 2003.

Abstract: The National Marine Fisheries Service and U.S. Fish and Wildlife Service (collectively, the Services) jointly listed the Gulf sturgeon as "threatened" under the Endangered Species Act (ESA) in 1991. The ESA requires that critical habitat be designated for any listed species. On June 6, 2002, the Services proposed designating critical habitat for the Gulf sturgeon. The proposed designation includes seven freshwater and seven estuarine/marine units in the Gulf of Mexico as critical habitat. All of the units proposed as critical habitat are areas presently occupied by Gulf sturgeon during part of its life cycle. On August 8, 2002, the Services announced the availability of a draft economic analysis of the proposed designation, and extended the public comment period for the proposal to October 7, 2002. A final designation must be filed by February 28, 2003, per a court settlement agreement.

Timetable:

| Action | Date |
|----------------------------|----------------------|
| NPRM | 06/06/02 67 FR 39106 |
| Comment Period Extended | 08/08/02 67 FR 51530 |
| NPRM Comment Period End | 10/07/02 |
| Final Action | 05/00/03 |

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

Agency Contact: Stephania Bolden, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER3, 9721 Executive Center Drive North, St. Petersburg, FL 33702
Phone: 727 570-5312

RIN: 0648-AQ03

496. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS

Priority: Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229**Legal Deadline:** None

Abstract: This proposed regulatory action is related to RIN 0648-AN88, a final rule which amended the regulations that implement the Atlantic Large Whale Take Reduction Plan and established a Dynamic Area Management (DAM) program. This proposed regulatory action involves the identification of acceptable fishing practices and gear which could be used under the DAM program.

Timetable:

| Action | Date |
|----------------------------|----------------------|
| NPRM Comment Period End | 04/03/02 |
| NPRM | 03/04/03 68 FR 10195 |
| Final Rule | 06/00/03 |

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

Agency Contact: Mary A. Colligan, Assistant Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS/Protected Resources, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930
Phone: 978 281-9116

DOC—NOAA

Final Rule Stage

Fax: 978 281-9394

Related RIN: Related To 0648-AN88**RIN:** 0648-AQ04**497. TAKING OF THREATENED OR ENDANGERED SPECIES INCIDENTAL TO COMMERCIAL FISHING OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 222; 50 CFR 223**Legal Deadline:** None

Abstract: The National Marine Fisheries Service (NMFS) proposes to prohibit drift gillnet fishing in U.S. ocean waters off of southern California south of Point Conception (34 degrees 27 minutes N) and west to 120 degrees W longitude from August 15 to August 31, and from January 1 to January 31, during El Nino events.

Timetable:

| Action | Date |
|---------------------------------------|----------------------|
| NPRM | 09/20/02 67 FR 59243 |
| NPRM Comment Period End | 10/21/02 |
| Interim Final Rule | 12/24/02 67 FR 78388 |
| Interim Final Rule Comment Period End | 02/07/03 |
| Comment Period Extended | 02/12/03 68 FR 7080 |
| Final Action | 06/00/03 |

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

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

RIN: 0648-AQ13**498. ● ACCESS TO TISSUE SPECIMEN SAMPLES FROM THE NATIONAL MARINE MAMMAL TISSUE BANK****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 CFR 1361**CFR Citation:** 50 CFR 216.22**Legal Deadline:** None

Abstract: The National Marine Tissue Bank (NMMTB) proposes to make

available tissue specimen samples to the scientific community for research that is consistent with the goal of the NMMTB. The intent of this proposed rule is to allow the scientific community the opportunity to comment on the protocol for requests for tissue specimen samples.

Timetable:

| Action | Date |
|-------------------------|----------------------|
| NPRM | 11/12/02 67 FR 68553 |
| NPRM Comment Period End | 12/12/02 |
| Final Action | 06/00/03 |

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

Agency Contact: Patricia Lawson, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2322
Email: patricia.lawson@noaa.gov

RIN: 0648-AQ51**499. ● LIST OF FISHERIES FOR 2003****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 229

Legal Deadline: NPRM, Statutory, January 2, 2003.
Final, Statutory, April 1, 2003.

Abstract: The National Marine Fisheries Service (NMFS) proposes to amend the 2003 List of Fisheries (LOF), as required by the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1387(c)(1)), to update the status of commercial fisheries to reflect new information on the interaction with marine mammals. Under the MMPA, NMFS must place each commercial fishery on the LOF into one of three categories based upon the level of serious injury and mortality of marine mammals that occurs incidental to that fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

Timetable:

| Action | Date |
|--------|---------------------|
| NPRM | 01/10/03 68 FR 1414 |

| Action | Date |
|-------------------------|----------|
| NPRM Comment Period End | 02/10/03 |
| Final Action | 07/00/03 |

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

Agency Contact: Tanya Dobrzynski, Marine Resource Manager, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-2289

RIN: 0648-AQ60**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****500. NATURAL RESOURCE DAMAGE ASSESSMENTS UNDER THE OIL POLLUTION ACT OF 1990****Priority:** Other Significant**Legal Authority:** 33 USC 2706(e)**CFR Citation:** 15 CFR 990**Legal Deadline:** None

Abstract: This action amends the natural resource damage assessment rule under the Oil Pollution Act of 1990, codified at 15 CFR 990, due to court remand (General Electric vs. Commerce, 128 F. 3d 767. DC Cir. 1997).

Timetable:

| Action | Date |
|--------------|----------------------|
| NPRM | 07/31/01 66 FR 39464 |
| Final Action | 05/00/03 |

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

Agency Contact: Eli Reinharz, Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA/DAC, Room 10218, 1305 East-West Highway, Silver Spring, MD 20910
Phone: 301 713-3038
Fax: 301 713-4387

RIN: 0648-AM80

Department of Commerce (DOC)

Long-Term Actions

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

501. CRUSTACEANS, BOTTOMFISH, AND PELAGICS FMP AMENDMENTS REGARDING OVERFISHING DEFINITIONS

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 660

Timetable:

| Action | Date |
|--------|----------|
| Notice | 11/00/04 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Alvin Katekaru
Phone: 808 973-2985

Related RIN: Related To 0648-AP54,
Related To 0648-AP55

RIN: 0648-AN79

502. • AMENDMENT 2 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 648

Legal Deadline: None

Abstract: This action would implement a limited access program and make other adjustment to the FMP.

Timetable:

| Action | Date |
|-----------------------------|----------|
| ANPRM | 08/00/04 |
| ANPRM Comment Period End | 09/00/04 |
| Final Action | 10/00/04 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia 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

503. INTERAGENCY POLICY ON THE PRESCRIPTION OF FISHWAYS UNDER SECTION 18 OF THE FEDERAL POWER ACT

Priority: Substantive, Nonsignificant

CFR Citation: 18 CFR 385.713

Timetable:

| Action | Date |
|------------------------------|----------------------|
| Notice | 12/22/00 65 FR 80898 |
| Notice Comment Period End | 02/20/01 |
| Final Action | To Be Determined |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Kathryn Conant
Phone: 301 713-2325
Fax: 301 713-1043
Email: kathryn.conant@noaa.gov

RIN: 0648-AO70

504. POLICY FOR REVIEW OF MANDATORY CONDITIONS DEVELOPED BY THE DEPARTMENTS OF THE INTERIOR AND COMMERCE IN THE CONTEXT OF HYDROPOWER LICENSING

Priority: Substantive, Nonsignificant

CFR Citation: 18 CFR 385.713

Timetable:

| Action | Date |
|------------------------------|----------------------|
| Notice | 12/13/00 65 FR 77889 |
| Notice Comment Period End | 01/03/01 |
| Final Action | To Be Determined |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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

Agency Contact: Kathryn Conant
Phone: 301 713-2325
Fax: 301 713-1043
Email: kathryn.conant@noaa.gov

RIN: 0648-AO84

505. ENDANGERED AND THREATENED SPECIES: TAKE OF THREATENED SOUTHERN OREGON/NORTHERN CALIFORNIA COAST EVOLUTIONARILY SIGNIFICANT UNIT (ESU) COHO SALMON

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 223

Timetable:

| Action | Date |
|--------------------|----------------------|
| Interim Final Rule | 07/18/97 62 FR 38479 |
| Next Action | Undetermined |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Barry Thom
Phone: 301 713-1401
Email: barry.thom@noaa.gov

RIN: 0648-AJ91

506. DESIGNATED CRITICAL HABITAT: PROPOSED CRITICAL HABITAT FOR NORTHERN CALIFORNIA STEELHEAD

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 226

Timetable:

| Action | Date |
|----------------------------|----------------------|
| NPRM | 12/19/00 65 FR 79328 |
| NPRM Comment Period End | 02/20/01 |
| Final Action | 02/00/05 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Barry Thom
Phone: 301 713-1401
Email: barry.thom@noaa.gov

RIN: 0648-AO04

NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

507. INSTALLING AND MAINTAINING COMMERCIAL SUBMARINE CABLES IN NATIONAL MARINE SANCTUARIES

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 922

Timetable:

| Action | Date |
|-----------------------------|----------------------|
| ANPRM | 08/23/00 65 FR 51264 |
| ANPRM Comment Period End | 10/23/00 |
| Next Action | Undetermined |

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Helen Golde
Phone: 301 713-3145

RIN: 0648-AO36

DOC—NOAA

Long-Term Actions

508. PROCEDURAL CHANGES TO THE FEDERAL CONSISTENCY PROCESS

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 930

Timetable:

| Action | Date |
|-----------------------------|----------------------|
| 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**OFFICE OF THE ADMINISTRATOR****509. REGIONAL MARINE RESEARCH PROGRAM**Priority: Substantive, Nonsignificant
CFR Citation: Not Yet Determined

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis
Required: No

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)

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

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 622

Completed:

| Reason | Date |
|------------|----------------------|
| Final Rule | 05/01/02 67 FR 21598 |

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Roy Crabtree
Phone: 727 570-5305
Fax: 727 570-5583

RIN: 0648-AL86

Fax: 907 586-7249
RIN: 0648-AM44**512. FRAMEWORK REGULATORY AMENDMENT FOR THE ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); FISHING VESSEL PERMITS; CHARTER BOAT OPERATIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 635

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 12/18/02 67 FR 77434 |

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Chris Rogers
Phone: 301 713-2347
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RIN: 0648-AM91

Agency Contact: Chris Rogers
Phone: 301 713-2347
Fax: 301 713-1917

RIN: 0648-AN06

514. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE STONE CRAB FISHERY OF THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 654

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 10/03/02 67 FR 61990 |

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Roy Crabtree
Phone: 727 570-5305
Fax: 727 570-5583

RIN: 0648-AN10

511. REGULATORY AMENDMENT TO CHANGE THE REGULATIONS IMPLEMENTING THE NORTH PACIFIC OBSERVER PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 679

Completed:

| Reason | Date |
|--------------|--------------------|
| Final Action | 01/07/03 68 FR 715 |

Regulatory Flexibility Analysis
Required: Yes

Government Levels Affected: None

Agency Contact: James W. Balsiger
Phone: 907 586-7221**513. ATLANTIC HIGHLY MIGRATORY SPECIES FISHERIES; MONITORING OF THE ATLANTIC BILLFISH AND SWORDFISH RECREATIONAL FISHERIES**

Priority: Other Significant

CFR Citation: 50 CFR 635

Completed:

| Reason | Date |
|--------------|--------------------|
| Final Action | 01/07/03 68 FR 711 |

Regulatory Flexibility Analysis
Required: Yes

Government Levels Affected: None

515. AMENDMENT 13 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 648

Completed:

| Reason | Date |
|--------------|----------------------|
| NPRM | 12/04/02 67 FR 72131 |
| Final Action | 03/04/03 68 FR 10181 |

Regulatory Flexibility Analysis
Required: Yes

DOC—NOAA

Completed Actions

Government Levels Affected: State, Federal

Agency Contact: Patricia Kurkul
Phone: 978 281-9200

RIN: 0648-AN12

516. AMENDMENTS 61/61 FOR BSAI AND GOA GROUND FISH; AMENDMENT 13 FOR COMMERCIAL KING AND TANNER CRAB; AND AMENDMENT 8 FOR ALASKA SCALLOP FISHERY

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 679

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 12/30/02 67 FR 79692 |

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: James W. Balsiger
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AN55

517. DEEP-SEA RED CRAB FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 648

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 10/10/02 67 FR 63222 |

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: Patricia Kurkul
Phone: 978 281-9200

RIN: 0648-AN68

518. ATLANTIC HIGHLY MIGRATORY SPECIES; SWORDFISH QUOTAS AND FISHING AREAS

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 635

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 11/20/02 67 FR 70023 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Dunnigan
Phone: 301 713-2334

Email: john.dunnigan@noaa.gov

RIN: 0648-AO93

519. REGULATORY AMENDMENT TO ALLOW EXPERIMENTAL SETNET SABLEFISH LANDINGS TO QUALIFY LIMITED-ENTRY SABLEFISH ENDORSEMENT HOLDERS FOR TIER ASSIGNMENT IN THE WEST COAST PRIMARY SABLEFISH FISHERY

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 660

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 10/29/02 67 FR 65902 |
| Correction | 11/18/02 67 FR 69479 |

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: D. Robert Lohn
Phone: 206 526-6150
Fax: 206 526-6426

RIN: 0648-AP39

520. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE SOUTH ATLANTIC REGION

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 622

Completed:

| Reason | Date |
|--------------|---------------------|
| Final Action | 01/16/03 68 FR 2188 |

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: Peter J. Eldridge
Phone: 727 570-5305
Fax: 727 570-3583
Email: peter.eldridge@noaa.gov

RIN: 0648-AP41

521. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC MACKEREL

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 660

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 10/03/02 67 FR 61994 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Svein Fougner
Phone: 562 980-4040

RIN: 0648-AP43

522. AMENDMENT 69 TO THE BERING SEA AND ALEUTIAN ISLANDS (BSAI) FISHERY MANAGEMENT PLAN (FMP)—AMERICAN FISHERIES ACT (AFA) COOP LEASING

Priority: Routine and Frequent

CFR Citation: 50 CFR 679

Completed:

| Reason | Date |
|--------------|---------------------|
| Final Action | 02/11/03 68 FR 6833 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James W. Balsiger
Phone: 907 586-7221
Fax: 907 586-7249

RIN: 0648-AP71

523. PROTECT NORTHEAST MULTISPECIES GROUND FISH STOCKS

Priority: Other Significant

CFR Citation: 50 CFR 648

Completed:

| Reason | Date |
|--------------------|----------------------|
| NPRM | 11/25/02 67 FR 70570 |
| Interim Final Rule | 01/22/03 68 FR 2919 |
| Final Action | 01/28/03 68 FR 4113 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia Kurkul
Phone: 978 281-9200

RIN: 0648-AP78

524. AMENDMENT 60 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 679

Completed:

| Reason | Date |
|--------------|----------------------|
| Final Action | 11/27/02 67 FR 70859 |

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: James W. Balsiger

DOC—NOAA

Completed Actions

Phone: 907 586-7221

Fax: 907 586-7249

RIN: 0648-AP79

525. PACIFIC TUNA FISHERIES**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 300**Completed:**

| Reason | Date |
|------------------------|----------------------|
| NPRM | 11/04/02 67 FR 67139 |
| Final Action Effective | 12/01/02 |
| Final Action | 12/09/02 67 FR 72394 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Svein Fougner

Phone: 562 980-4040

RIN: 0648-AP86

526. AMENDMENT 10 TO THE COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 660**Completed:**

| Reason | Date |
|--------------|----------------------|
| Notice | 10/03/02 67 FR 62001 |
| Correction | 10/15/02 67 FR 63599 |
| NPRM | 10/30/02 67 FR 66103 |
| Final Action | 01/27/03 68 FR 3819 |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Svein Fougner

Phone: 562 980-4040

RIN: 0648-AP87

527. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC SARDINE**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 660**Completed:**

| Reason | Date |
|------------------------|----------------------|
| NPRM | 11/25/02 67 FR 70573 |
| Final Action | 12/31/02 67 FR 79889 |
| Final Action Effective | 01/30/03 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Svein Fougner

Phone: 562 980-4040

RIN: 0648-AP88

528. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REGULATORY ADJUSTMENTS; NOAA INFORMATION COLLECTION REQUIREMENTS**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 622**Completed:**

| Reason | Date |
|--------------|----------------------|
| Final Action | 10/18/02 67 FR 64311 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** John H. Dunnigan

Phone: 301 713-2334

RIN: 0648-AP89

529. ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2002 BLUEFIN TUNA QUOTA SPECIFICATIONS AND EFFORT CONTROLS**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 635**Completed:**

| Reason | Date |
|--------------|----------------------|
| Final Action | 11/01/02 67 FR 61537 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** John H. Dunnigan

Phone: 301 713-2334

RIN: 0648-AP90

530. 2003 OBSERVER PROGRAM REQUIREMENTS**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 679**Completed:**

| Reason | Date |
|--------------|----------------------|
| Final Action | 12/06/02 67 FR 72595 |
| Correction | 01/10/03 68 FR 1392 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** James W. Balsiger

Phone: 907 586-7221

Fax: 907 586-7249

RIN: 0648-AQ05

531. FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA—STELLER SEA LION PROTECTION MEASURES**Priority:** Other Significant**CFR Citation:** 50 CFR 679**Completed:**

| Reason | Date |
|--------------|--------------------|
| Final Action | 01/02/03 68 FR 204 |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Agency Contact:** James W. Balsiger

Phone: 907 586-7221

Fax: 907 586-7249

RIN: 0648-AQ08

532. FISHERIES OF THE NORTHEASTERN UNITED STATES; ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES; CONTROL DATE FOR ATLANTIC MACKEREL**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

| Reason | Date |
|--------------------|----------------------|
| Final Action | 07/05/02 67 FR 44792 |
| Comment Period End | 08/05/02 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul

Phone: 978 281-9200

RIN: 0648-AQ11

533. IMPLEMENTATION OF NEW DEPTH-BASED MANAGEMENT MEASURES IN THE PACIFIC COAST GROUND FISH FISHERY**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 660**Completed:**

| Reason | Date |
|----------------------|----------------------|
| Emergency Final Rule | 09/13/02 67 FR 57973 |
| Emergency Final Rule | 10/15/02 |
| Comment Period | |
| End | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** D. Robert Lohn

Phone: 206 526-6150

Fax: 206 526-6426

RIN: 0648-AQ14

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Completed Actions

534. 2003 INITIAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

| Reason | Date |
|--------------|----------------------|
| NPRM | 10/29/02 67 FR 65934 |
| Final Action | 01/02/03 68 FR 57 |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul
Phone: 978 281-9200**RIN:** 0648-AQ15**535. PACIFIC COAST GROUND FISH FISHERY; ANNOUNCEMENT OF THE 2003 GROUND FISH FISHERY SPECIFICATIONS AND MANAGEMENT MEASURES****Priority:** Other Significant**CFR Citation:** 50 CFR 660**Completed:**

| Reason | Date |
|--------------|----------------------|
| NPRM | 01/07/03 68 FR 936 |
| Final Action | 03/07/03 68 FR 11182 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** D. Robert Lohn
Phone: 206 526-6150
Fax: 206 526-6426**RIN:** 0648-AQ18**536. GROUND FISH FISHERY MANAGEMENT MEASURES FOR JANUARY THROUGH FEBRUARY 2003****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 660**Completed:**

| Reason | Date |
|--------------|--------------------|
| Final Action | 01/07/03 68 FR 908 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** D. Robert Lohn
Phone: 206 526-6150
Fax: 206 526-6426**RIN:** 0648-AQ19**537. FISHERIES OF THE NORTHEASTERN UNITED STATES; ATLANTIC SEA SCALLOP FISHERY; FRAMEWORK ADJUSTMENT 15****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

| Reason | Date |
|--------------|---------------------|
| NPRM | 01/16/03 68 FR 2303 |
| Final Action | 02/28/03 68 FR 9580 |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul
Phone: 978 281-9200**RIN:** 0648-AQ28**538. ANNUAL SPECIFICATIONS FOR FISHING YEAR 2003 FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

| Reason | Date |
|--------------|----------------------|
| NPRM | 11/27/02 67 FR 70904 |
| Final Action | 01/02/03 68 FR 60 |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul
Phone: 978 281-9200**RIN:** 0648-AQ30**539. ANNUAL SPECIFICATIONS FOR THE SURF CLAM AND OCEAN QUAHOG FISHERIES FOR FISHING YEAR 2003****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

| Reason | Date |
|--------------|----------------------|
| NPRM | 10/29/02 67 FR 65938 |
| Final Action | 12/31/02 67 FR 79887 |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul
Phone: 978 281-9200**RIN:** 0648-AQ31**540. SPECIFICATIONS FOR THE ATLANTIC HERRING FISHERY FOR FISHERY YEAR 2003****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

| Reason | Date |
|--------------|----------------------|
| NPRM | 11/15/02 67 FR 69181 |
| Final Action | 02/06/03 68 FR 6088 |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul
Phone: 978 281-9200**RIN:** 0648-AQ33**541. SEASONAL ADJUSTMENT OF CLOSURE AREAS TO POLLOCK AND PACIFIC COD TRAWL FISHING IN WATERS OFF CAPE SARICHEF IN THE BERING SEA SUBAREA****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 679**Completed:**

| Reason | Date |
|--------------|----------------------|
| NPRM | 01/23/03 68 FR 3228 |
| Final Action | 03/07/03 68 FR 11004 |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Agency Contact:** James W. Balsiger
Phone: 907 586-7221
Fax: 907 586-7249**RIN:** 0648-AQ46**542. EXPEDITE REALLOCATION OF SARDINE IN THE WEST COAST COASTAL PELAGIC SPECIES FISHERY****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 660**Completed:**

| Reason | Date |
|--------------|----------------------|
| Final Action | 09/26/02 67 FR 60601 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Svein Fougner
Phone: 562 980-4040**RIN:** 0648-AQ47

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Completed Actions

543. • MODIFICATION OF THE REGULATIONS IMPLEMENTING FRAMEWORK ADJUSTMENT 35 (FRAMEWORK 35) TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN (FMP)**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: Framework 35 established an exempted small mesh whiting fishery in the Gulf of Maine, near Provincetown, MA. The fishery occurs from September 1 through November 20 each year and requires the use of raised footrope trawl gear. This rule modifies the boundaries of the current exemption area through inclusion of an area east of Cape Cod and would allow the fishery to continue in the newly-added eastern portion of the exemption area through December 31 each year.

This action is not likely to be controversial. The fishery was widely supported as an experimental fishery and provided Massachusetts fishermen with an opportunity to redirect fishing effort away from regulated multispecies. Adding the area east of Cape Cod (Area 3) to the Raised Footrope Trawl Whiting Fishery Exemption Area, after successfully being prosecuted as an experimental fishery, would open the fishery to a wider range of participants, allow continuation of the fishery in the newly-added portion through the end of December each year, and provide for an alternative for fishermen under current restrictions.

Timetable:

| Action | Date |
|--------------|----------------------|
| Final Action | 11/19/02 67 FR 69694 |

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

Agency Contact: Patricia 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-AQ50**544. • RESCIND A FINAL RULE IMPLEMENTING A CHARTER VESSEL/HEADBOAT PERMIT MORATORIUM AMENDING THE REEF FISH FISHERY MANAGEMENT PLAN (AMENDMENT 20) AND COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 622**Legal Deadline:** Final, Statutory, December 2002.

Abstract: NOAA Fisheries promulgated the charter moratorium regulations (FR 67, 43558, June 28, 2002) to implement Amendment 14 to the Fishery Management Plan for the Coastal Migratory Fishery of the Gulf of Mexico and South Atlantic and Amendment 20 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico. However, after reviewing the administrative record, NOAA Fisheries and the Council have determined that the amendment contained errors that did not correctly reflect the actions approved by the Council. Thus, the regulations implementing the amendment also contained these errors, and not all persons entitled to receive charter vessel/headboat permits under the moratorium approved by the Council would be able to receive permits under the erroneous regulations. These regulations require all charter operators in the Gulf of Mexico exclusive economic zone have a valid "moratorium permit," as opposed to the prior open access charter permit, beginning December 26, 2002. In order to ensure that no participants in the fishery are adversely affected by the regulations, and to fully comply with Magnuson-Stevens Fishery Conservation and Management Act requirements, NOAA Fisheries is promulgating an interim final rule to rescind the erroneous regulations and reinstate the "open access" system that existed previously. The open access system will remain in effect until NOAA Fisheries can issue a notice of availability of the corrected amendment for public comment and conduct a rulemaking based on the corrected amendment with the moratorium as it was approved by the Council.

Timetable:

| Action | Date |
|----------------|----------------------|
| Emergency Rule | 12/17/02 67 FR 77193 |

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

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

RIN: 0648-AQ59**545. • SEA SCALLOP RESEARCH PROPOSALS UNDER FRAMEWORK 15 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN****Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

Abstract: The notice of request for submission of Atlantic Sea Scallop proposals to conduct research activities under Framework 15 to the Atlantic Sea Scallop Fishery Management Plan announces a program to set aside 1 percent of the sea scallop total allowable catch level to be established for the Hudson Canyon and Virginia Beach Areas in fishing year 2003, for the purpose of funding sea scallop research. Vessels participating in an approved research project submitted in response to the notice of request for proposals would be authorized to land scallops in excess of the proposed possession limit, or to take additional trips above those proposed in the program, and use the proceeds of the excess catch or additional trips to offset the costs of the approved research project.

Timetable:

| Action | Date |
|--------------|---------------------|
| Final Action | 01/17/03 68 FR 2527 |

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

Agency Contact: Patricia 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-AQ62

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Completed Actions

546. • RESEARCH PROPOSALS FOR FISHING YEAR 2004 FOR A RESEARCH SET-ASIDE PROGRAM FOR SELECTED MID-ATLANTIC FISHERIES**Priority:** Info./Admin./Other**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** None**Legal Deadline:** None

Abstract: The notice of request for submission of proposals funded under a research set-aside program (RSP) for fishing year 2004. NMFS announces that up to 3 percent of the total allowable landings will be dedicated to research endeavors under the RSP. The RSA provides a mechanism to fund research and compensate vessels through the sale of fish harvested under the research quota. NMFS is soliciting proposals for research activities concerning the summer flounder, scup, black sea bass, Loligo squid, Illex squid, Atlantic mackerel, butterfish, bluefish, and tilefish fisheries.

Timetable:

| Action | Date | |
|--------------|----------|------------|
| Final Action | 01/27/03 | 68 FR 3864 |

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

Agency Contact: Patricia 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-AQ66**547. • REVISIONS TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR 2003 AND BEYOND****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 300**Legal Deadline:** None

Abstract: This rule would propose changes to the Pacific halibut catch sharing plan proposed by the States of WA, OR, and CA that would 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 Washington's north coast;

and prohibit fishing for halibut in areas where yelloweye rockfish, an overfished species, are commonly found. This proposed rule would also propose sport fishing seasons for 2003 that implement the catch sharing plan based on the expected total allowable catch in 2003 that is established by the International Pacific Halibut Commission.

Timetable:

| Action | Date | |
|-------------------------|----------|-------------|
| NPRM | 02/06/03 | 68 FR 6103 |
| NPRM Comment Period End | 02/18/03 | |
| Final Action | 03/07/03 | 68 FR 10989 |

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-AQ67**548. PACIFIC OFFSHORE CETACEAN TAKE REDUCTION PLAN****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 229**Completed:**

| Reason | Date | |
|--------------------|----------|-------------|
| Interim Final Rule | 08/24/01 | 66 FR 44549 |

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

Agency Contact: Patricia Lawson
Phone: 301 713-2322
Email: patricia.lawson@noaa.gov

RIN: 0648-AL70**549. SEA TURTLE CONSERVATION REGULATIONS; SHRIMP FISHERY****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 223**Completed:**

| Reason | Date | |
|--------------|----------|------------|
| Final Action | 02/21/03 | 68 FR 8456 |

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

Agency Contact: Therese Conant
Phone: 301 713-1431
Fax: 301 713-0376

RIN: 0648-AN62**550. SEA TURTLE CONSERVATION REGULATIONS; FISHERY ACTIVITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 223**Completed:**

| Reason | Date | |
|--------------|----------|-------------|
| Final Action | 12/03/02 | 67 FR 71895 |

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

Agency Contact: Patrick Opay
Phone: 301 713-1401

RIN: 0648-AP91**551. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 229**Completed:**

| Reason | Date | |
|--------------|----------|-------------|
| Final Action | 10/28/02 | 67 FR 65722 |

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

Agency Contact: Patricia Lawson
Phone: 301 713-2322
Email: patricia.lawson@noaa.gov

RIN: 0648-AQ23**552. • SEA TURTLE CONSERVATION; SHRIMP TRAWLING REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 222; 50 CFR 223**Legal Deadline:** None

Abstract: NMFS issued this temporary action to allow the use of limited tow times by shrimp trawlers as an alternative to the use of Turtle Excluder Devices (TEDs) in the waters off Mississippi in an area from the coastline of Mississippi at its intersection with the line of longitude 89 degrees 30 minutes W., thence

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Completed Actions

southward to its intersection with the line of latitude 30 degrees 10 minutes N., thence eastward to the line of longitude 89 degrees 05.5 minutes W. (approximately even with the southern tip of Cat Island), thence northward to the line of latitude 30 degrees 13.8 minutes N. (approximately even with the western tip of Cat Island), thence westward to the line of longitude 89 degrees 10 minutes W., thence northward to its intersection with the coastline of Mississippi, thence continuing along the coastline to the original point for a period of 20 days.

Timetable:

| Action | Date |
|--------------|----------------------|
| Final Action | 11/07/02 67 FR 67795 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Patrick Opay, Sea Turtle Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Hwy., Silver Spring, MD 20910

Phone: 301 713-1401

RIN: 0648-AQ52

553. • TAKING AND IMPORTING OF MARINE MAMMALS: TAKINGS INCIDENTAL TO POWER PLANT OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1371 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: A final rule authorizing the unintentional take of small numbers of harbor seals, gray seals, harp seals, and hooded seals incidental to the routine operation of the Seabrook Station nuclear power plant was issued for the North Atlantic Energy Services Corporation (NAEC) on May 25, 1999 (64 FR 28114) and are effective until 2004. The purpose of this final rule is to effect non-substantive modifications to the regulations that will relieve a regulatory burden on the NAEC and subsequent owners of Seabrook. These changes will remove mitigation requirements that are no longer appropriate and to facilitate transfer of the appropriate authorization under the Marine Mammal Protection Act to new owners when the power plant is sold later this year.

Timetable:

| Action | Date |
|--------------|----------------------|
| Final Action | 11/21/02 67 FR 70180 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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-AQ54

554. • SEA TURTLE CONSERVATION; SHRIMP TRAWLING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 222; 50 CFR 223

Legal Deadline: None

Abstract: NMFS issues this temporary action to allow the use of limited tow times by shrimp trawlers as an alternative to the use of Turtle Excluder Devices (TEDs) in the waters off Louisiana and Alabama. The exempted area in Louisiana consists of all the Louisiana state waters east of 92 degrees 20 minutes W. longitude (approximately at Fresh Water Bayou in Vermilion Parish, Louisiana); Federal waters are not included. The exempted area in Alabama consists of the inshore waters (inshore waters are landward of the COLREGS demarcation line) of Bon Secour Bay, Mobile Bay, and Mississippi Sound, south of the Intracoastal Waterway. This exemption will be in effect for 30 days.

Timetable:

| Action | Date |
|--------------|----------------------|
| Final Action | 11/07/02 67 FR 67793 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Patrick Opay, Sea Turtle Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Hwy., Silver Spring, MD 20910

Phone: 301 713-1401

RIN: 0648-AQ56

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

Proposed Rule Stage

555. RULES OF PRACTICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 2; 35 USC 3; 35 USC 6; 35 USC 10; 35 USC 22; 35 USC 23; 35 USC 25; 35 USC 32; 35 USC 41; 35 USC 135; ...

CFR Citation: 37 CFR 1; 37 CFR 41;

...

Legal Deadline: None

Abstract: The United States Patent and Trademark Office proposes to amend its

rules of practice before the Board of Patent Appeals and Interferences in appeals and contested cases to clarify the rules and to simplify proceedings.

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 05/00/03 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Jeffrey V. Nase, Administrative Patent Judge,

Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231

Phone: 703 308-9797

Fax: 703 305-0942

Email: bpai.rules@uspto.gov

Related RIN: Related To 0651-AB27, Related To 0651-AB57

RIN: 0651-AB32

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Proposed Rule Stage

556. MADRID PROTOCOL IMPLEMENTATION ACT RULES CHANGE**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1123; 35 USC 2**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The United States Patent and Trademark Office (USPTO) proposes to amend 37 CFR part 2 and to add a new 37 CFR part 7 to implement the Madrid Protocol Implementation Act of 2002, Pub. L. 107-273, 116 Stat. 1758, 1913-1921 (15 U.S.C. 1051) (MPIA). MPIA permits the owner of a United States trademark application or registration to file an international trademark application with the International Bureau of the World Intellectual Property Organization through the USPTO. It also permits the holder an international registration to request an extension of protection of that registration to the United States.

Timetable:

| Action | Date |
|-------------------------|----------|
| NPRM | 05/00/03 |
| NPRM Comment Period End | 06/00/03 |
| Final Action | 10/00/03 |
| Final Action Effective | 11/00/03 |

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

Agency Contact: Mary E. Hannon, Staff Attorney, Department of Commerce, Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202-3513

Phone: 703 308-8900

Fax: 703 872-9280

Email: mary.hannon@uspto.gov

RIN: 0651-AB45**557. CHANGES TO PROMOTE QUALITY ENHANCEMENT AND PENDENCY****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1**Legal Deadline:** None

Abstract: The United States Patent and Trademark Office (Office) is proposing to revise the rules of practice to improve the patent application and

examination process by promoting quality enhancement and reducing patent pendency. For example, the Office is proposing: (1) changes to facilitate the filing of applications and subsequent papers by facsimile or electronic mail message over the Internet; (2) changes to the manner in which applicants bring pertinent information to the Office's attention and how the Office uses that information; and (3) changes to allow the Office to terminate proceedings on an application if the applicant refuses to prosecute the application with reasonable diligence. These changes to the patent application and examination process are necessary for the Office to be able to process an ever-increasing number of applications within a reasonable time frame.

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 06/00/03 |

Regulatory Flexibility Analysis**Required:** 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 22313-1450

Phone: 703 305-8850

Fax: 703 305-6916

Email: robert.bahr@uspto.gov

RIN: 0651-AB50**558. CHANGES IN TRADEMARK RULES OF PRACTICE IN INTER PARTES PROCEEDINGS BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1067; 35 USC 2(8)(2)(A)

CFR Citation: 37 CFR 2.120(a); 37 CFR 2.120(d) to (g); 37 CFR 2.120 (i) to (j); 37 CFR 2.121 (a) to (b); 37 CFR 2/127 (e)

Legal Deadline: None

Abstract: The United States Patent and Trademark Office proposes to amend its rules of practice in connection with inter partes proceedings before the Trademark Trial and Appeal Board to require initial disclosure of certain information.

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 09/00/03 |

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

Agency Contact: James David Sams, Chief Administrative Trademark Judge, Department of Commerce, Patent and Trademark Office, ST-9A03, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202

Phone: 703 308-9300

Fax: 703 308-9092

Email: david.sams@uspto.gov

RIN: 0651-AB56**559. • CHANGES TO IMPLEMENT THE 2002 INTER PARTES REEXAMINATION AND OTHER TECHNICAL AMENDMENTS TO THE PATENT STATUTE****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2); PL 107-273**CFR Citation:** 37 CFR 1**Legal Deadline:** None

Abstract: The 21st Century Department of Justice Appropriations Authorization Act contains a title relating to intellectual property. The patent-related provisions in the intellectual property title of the 21st Century Department of Justice Appropriations Authorization Act include provisions permitting a third party requester in an inter partes reexamination proceeding to appeal a final decision by the Board of Patent Appeals and Interferences to the U.S. Court of Appeals for the Federal Circuit, and to participate in the patent owner's appeal of a final decision by the Board of Patent Appeals and Interferences to the U.S. Court of Appeals for the Federal Circuit. Also included are technical amendments to statutory provisions directed to inter partes reexamination, eighteen-month publication of patent applications and provisional rights, and issuance of patents. The United States Patent and Trademark Office (Office) is in this notice proposing changes to the rules of practice to implement the patent-related provisions of the 21st Century Department of Justice Appropriations Authorization Act, and other miscellaneous changes related to appeals in reexamination proceedings.

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Proposed Rule Stage

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 05/00/03 |

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

Agency Contact: Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313-1450
Phone: 703 305-8850
Fax: 703 305-6916
Email: robert.bahr@uspto.gov

RIN: 0651-AB57**560. • CHANGES TO IMPLEMENT ELECTRONIC MAINTENANCE OF OFFICIAL PATENT APPLICATION RECORDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2)**CFR Citation:** 37 CFR 1**Legal Deadline:** None

Abstract: The United States Patent and Trademark Office (Office) has established a 21st Century Strategic Plan to transform the Office into a quality-focused, highly productive, responsive organization supporting a market-driven intellectual property system. One priority of the 21st Century Strategic Plan is the beginning-to-end electronic processing of patent applications. The Office is proposing changes to the rules of practice in this notice to adapt to a patent electronic image management system. Specifically, the changes proposed in this notice facilitate electronic data capture and processing, streamline the patent application process, and simplify and clarify the pertinent provisions of the rules of practice.

Timetable:

| Action | Date |
|--------|----------|
| NPRM | 05/00/03 |

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

Agency Contact: Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313-1450
Phone: 703 305-8850
Fax: 703 305-6916
Email: robert.bahr@uspto.gov

RIN: 0651-AB59**561. • REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2004****Priority:** Routine and Frequent**Legal Authority:** 35 USC 41; 15 USC 1115; 35 USC 376; 15 USC 1051; 15 USC 1113; ...**CFR Citation:** 37 CFR 1.16 to 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; ...**Legal Deadline:** Final, Statutory, October 1, 2003, Final Action Effective Date.

Abstract: This rulemaking revises certain patent and trademark fees to reflect fluctuations in the Consumer Price Index (CPI) consistent with PL 105-358, as amended by PL 106-113.

Timetable:

| Action | Date |
|------------------------|----------|
| NPRM | 05/00/03 |
| Final Action | 08/00/03 |
| Final Action Effective | 10/00/03 |

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

Agency Contact: Matthew Lee, Financial Systems Analyst, Department of Commerce, Patent and Trademark Office, PK1-802, Washington, DC 20231
Phone: 703 305-8051
Email: matthew.lee@uspto.gov

RIN: 0651-AB60**562. • REVISION OF SEARCH AND PRELIMINARY EXAMINATION FEES FOR INTERNATIONAL APPLICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(b)(2); 35 USC 376; ...**CFR Citation:** 37 CFR 1**Legal Deadline:** None

Abstract: The United States Patent and Trademark Office (Office) is proposing to adjust the international search and international preliminary examination fees for international applications filed under the Patent Cooperation Treaty (PCT). The Office is planning to outsource the international search under PCT chapter I for international applications. The Office is proposing to adjust the international search and international preliminary examination fees to more closely reflect the estimated cost of obtaining a PCT chapter I search and conducting the international preliminary examination under the new process. The Office is also proposing miscellaneous changes to the rules of practice in patent cases that relate to the United States Patent and Trademark Fee Modernization Act of 2003.

Timetable:

| Action | Date |
|------------------------|----------|
| NPRM | 07/00/03 |
| Final Action | 11/00/03 |
| Final Action Effective | 01/00/04 |

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

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 22313-1450
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Related RIN: Related To 0651-AB54**RIN:** 0651-AB61

Department of Commerce (DOC)
Patent and Trademark Office (PTO)
Final Rule Stage
563. ELIMINATION OF CONTINUED PROSECUTION APPLICATION PRACTICE AS TO UTILITY AND PLANT

Priority: Substantive, Nonsignificant

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

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The American Inventors Protection Act of 1999 (AIPA) enacted provisions for the continued examination of a utility or plant application at the request of the applicant (request for continued examination or RCE practice). Therefore, there no longer appears to be a need for continued prosecution application (CPA) practice as to utility and plant applications. Thus, the Office is eliminating CPA practice as to utility and plant applications. An applicant for a utility or plant patent may also continue to effectively obtain further examination of the application by filing a continuing application under section 1.53(b). Since RCE practice does not apply to design applications, CPA practice will remain in place for design applications.

Timetable:

| Action | Date |
|-------------------------|----------------------|
| NPRM | 07/09/01 66 FR 35763 |
| NPRM Comment Period End | 09/07/01 |
| Final Action | 05/00/03 |
| Final Action Effective | 07/00/03 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Office of the Deputy Commissioner for Patent Examination Policy, P.O. Box 1450, Alexandria, VA 22313-1450

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RIN: 0651-AB37

564. CHANGES TO IMPLEMENT PATENT-RELATED PROVISIONS OF THE UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2003

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 41, 2(b)(2)

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The United States Patent and Trademark Office Fee Modernization Act of 2003 would (if enacted) revise patent fees in general, and provides for a search fee and examination fee that are separate from the filing fee. The United States Patent and Trademark Office Fee Modernization Act of 2003 also provides that the United States Patent and Trademark Office may, by regulation, provide a refund of any part

of the excess claim fee for any claim that is canceled before an examination has been made of the application, provide a refund of any part of the examination fee and the search fee for any applicant who files a written declaration of express abandonment as prescribed by the Office before an examination has been made of the application, and provide a refund of any part of the examination fee and the search fee for any applicant who provides a search report that meets the conditions prescribed by the Office. This rulemaking implements the changes to the patent fees contained in the United States Patent and Trademark Office Fee Modernization Act of 2003.

Timetable:

| Action | Date |
|--------------------|----------|
| Interim Final Rule | 05/00/03 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0651-AB54

Department of Commerce (DOC)
Patent and Trademark Office (PTO)
Long-Term Actions
565. PROCESSING FEE FOR USE OF PAPER FORMS FOR SUBMISSION OF APPLICATIONS FOR REGISTRATION AND OTHER DOCUMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 37 CFR 2.6(a)

Timetable:

| Action | Date |
|--------------------------|----------------------|
| NPRM | 05/12/02 67 FR 35081 |
| Next Action Undetermined | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Craig Morris
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Related RIN: Related To 0651-AB47

RIN: 0651-AB52

566. CHANGES TO REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority: Substantive, Nonsignificant

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

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related To 0651-AB38

RIN: 0651-AB55

**Department of Commerce (DOC)
Patent and Trademark Office (PTO)**
Completed Actions**567. COMPLAINTS REGARDING INVENTION PROMOTERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 37 CFR 4**Completed:**

| Reason | Date |
|------------------------|---------------------|
| Final Action | 02/28/03 68 FR 9551 |
| Final Action Effective | 02/28/03 |

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

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RIN: 0651-AB12**568. REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2003****Priority:** Routine and Frequent**CFR Citation:** 37 CFR 1.16 to 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 2.6**Completed:**

| Reason | Date |
|------------------------|----------------------|
| Final Action | 11/27/02 67 FR 70847 |
| Final Action Effective | 01/01/03 |

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

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RIN: 0651-AB51**569. • TECHNICAL CORRECTIONS ACT OF 2002 RULES CHANGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1123; 35 USC 2**CFR Citation:** 37 CFR 1.4(D)(1)(III)(A); 37 CFR 2.18; 37 CFR 2.24; 37 CFR 2.33; 37 CFR 2.34; ...**Legal Deadline:** None

Abstract: The United States Patent and Trademark Office (USPTO) is revising its rules of practice to simplify the requirements for: (1) filing application for registration based on a foreign registration under 15 U.S.C. 1126(e);

and (2) designation of a domestic representative party who is not domiciled in the United States. These changes implement the changes to the Trademark Act of 1946, 15 U.S.C. 105 et seq., made by the Technical Corrections in Trademark Law Act, title III, subtitle B, Sec. 13207 of Pub. L. 107-273, 116 Stat. 1758. USPTO is also making some minor technical corrections to the rules of practice.

Timetable:

| Action | Date |
|------------------------|----------------------|
| Final Action | 12/30/02 67 FR 79520 |
| Final Action Effective | 12/30/02 |

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

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RIN: 0651-AB58
**Department of Commerce (DOC)
Technology Administration (TA)**
Final Rule Stage**570. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS UNDER GOVERNMENT GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS****Priority:** Other Significant**Legal Authority:** 35 USC 206**CFR Citation:** 37 CFR 401**Legal Deadline:** None

Abstract: This rule is issued to authorize the electronic reporting of inventions and the filing of provisional patent applications.

Timetable:

| Action | Date |
|---------------------------------------|----------------------|
| Interim Final Rule | 08/14/95 60 FR 41811 |
| Interim Final Rule Comment Period End | 09/13/95 |
| Final Action | 06/00/03 |

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

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RIN: 0692-AA14**571. 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.

We are evaluating the comments received on the interim final rule and will be making minor changes to the regulation.

Timetable:

| Action | Date |
|------------------------------|----------------------|
| Interim Final Rule | 08/07/96 61 FR 40997 |
| Interim Final Rule Effective | 08/07/96 |
| Final Action | 10/00/03 |

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

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RIN: 0692-AA15

DOC—TA

Final Rule Stage

572. AMENDMENT TO RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS UNDER GOVERNMENT GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 206**CFR Citation:** 37 CFR 401**Legal Deadline:** NPRM, Statutory, June 30, 2000, To provide for an exception for support contractors.**Abstract:** This would require certain support contractors to license their rights if they make an invention under a Cooperative Research and Development Agreement.**Timetable:**

| Action | Date |
|--------------|----------------------|
| NPRM | 09/11/00 65 FR 54826 |
| Final Action | 10/00/03 |

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
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[FR Doc. 03-9562 Filed 05/16/03; 8:45 am]

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