



# Federal Register

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**Monday,  
May 13, 2002**

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**Part IV**

**Department of  
Commerce**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF COMMERCE (DOC)**

**DEPARTMENT OF COMMERCE**

**Office of the Secretary**

**13 CFR Ch. III**

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

**19 CFR Ch. III**

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

**48 CFR Ch. 13**

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

**Spring 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 October 2001 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 2002 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2002, through March 31, 2003.

**FOR FURTHER INFORMATION CONTACT:**

*Specific:* For additional information about specific regulatory actions listed

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

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

**SUPPLEMENTARY INFORMATION:** Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this Order. By memorandum of February 15, 2002, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the Spring 2002 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 Export Administration, 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 2002 regulatory agenda follows.

**Theodore W. Kassinger,**  
*General Counsel.*

Office of the Secretary—Final Rule Stage

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

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## Office of the Secretary—Discontinued Entries

Regulation Identification Number	Title	Date With-drawn	Comments
0690-AA23	Standards of Ethical Conduct—Department of Commerce Supplemental Regulations	02/21/2002	Withdrawn

## Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
291	Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons .....	0691-AA43
292	Benchmark Survey of Foreign Direct Investment in the United States—2002 .....	0691-AA44
293	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) .....	0691-AA45
294	Initial Report on Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of Operating Assets, or U.S. Business Enterprise, Including Real Estate .....	0691-AA46

## Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identification Number
295	Benchmark Survey of Selected Services Transactions With Unaffiliated Foreign Persons—2001 .....	0691-AA41
296	International Services Surveys: BE-48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies With Foreign Persons .....	0691-AA42

## Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
297	Mandatory Automated Export System (AES) Filing for All Items on the Commerce Control List (CCL) and the United States Munitions List (USML) .....	0607-AA34

## Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
298	Special Services and Studies by the Bureau of the Census; Amendments to Age Search Procedures .....	0607-AA24
299	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
300	Reporting Value on Shipper's Export Declaration for Inland Freight and Insurance Charges .....	0607-AA29
301	Reporting the Value of Repairs and Replacement Parts on the Shipper's Export Declaration .....	0607-AA30
302	Notation of the Shipper's Export Declaration Filing Exemption Statement on Manifest Documents .....	0607-AA31

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## General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
303	Governmentwide Debarment and Suspension (Nonprocurement) .....	0605-AA16

## General Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
304	Uniform Administrative Requirement for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofits and Commercial Organizations .....	0605-AA09
305	Public Information, Freedom of Information and Privacy .....	0605-AA14

## International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
306	Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders .....	0625-AA51
307	Import of Certain Worsted Wool Fabric: Implementation of Tariff Rate Quote Established Under Title V of the Trade and Development Act of 2000 .....	0625-AA58

## International Trade Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
308	Export Trade Certificates of Review (15 CFR 325) .....	0625-AA52
309	Proposed Changes in the Insular Possessions Watch, Watch Movement and Jewelry Program .....	0625-AA57

## Bureau of Industry and Security—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
310	SNAP: Simplified Network Application Process .....	0694-AC20

## Bureau of Industry and Security—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
311	Chemical Weapons Convention Regulations .....	0694-AB06
312	Revisions to the Export Administration Regulations; Additions to the Entity List .....	0694-AB60
313	Revisions to the Export Administration Regulations; Country Group E:1; License Exception TMP .....	0694-AB76
314	Exports and Reexports of Explosive Detection Systems; Expansion of Foreign Policy Controls .....	0694-AB87
315	Exports and Reexports to Sudan .....	0694-AC05
316	Anti-Terrorism Controls on Iraq .....	0694-AC06
317	Revisions to the North Korean Embargo Policy .....	0694-AC10
318	Expansion of License Exception GOV; Exports and Reexports to International Organizations .....	0694-AC15
319	Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR) .....	0694-AC22
320	Revision to the Export Administration Regulations: Replacement Licenses .....	0694-AC23
321	Revisions and Clarifications to the Export Administration Regulations .....	0694-AC24
322	Crime Control Items: Revisions to the Commerce Control List .....	0694-AC31
323	License Exception AVS: Cuba, Libya, Serbia .....	0694-AC33
324	Clarifications to Part 753: Special Comprehensive License Requirements .....	0694-AC34

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

Sequence Number	Title	Regulation Identification Number
325	Chemical Weapons Convention: Revisions to the Export Administration Regulations .....	0694-AC35
326	Exports of Agricultural Commodities, Medicines and Medical Devices .....	0694-AC37
327	Implementation of the Wassenaar Arrangement List of Dual-Use Items Revisions: Computers; and Revisions to License Exception CTP .....	0694-AC42
328	Exports to Afghanistan (the Taliban) and Liberia: Imposition of Foreign Policy Controls .....	0694-AC45
329	Addition and Revision of Missile Projects in the Export Administration Regulations .....	0694-AC46
330	Revision, Suspension, or Prohibition of Use of "No License Required" Provisions .....	0694-AC47
331	Licensing Jurisdiction for "Space Qualified" Items .....	0694-AC49
332	Missile Technology Production Equipment and Facilities .....	0694-AC51
333	Revisions and Clarifications to the Export Administration Regulations—Nuclear Nonproliferation Controls: Nuclear Suppliers Group .....	0694-AC52
334	Corrections and Clarifications to the Export Administration Regulations: Czech Republic, Hungary and Poland .....	0694-AC53
335	Elimination of "National Security" as a Reason for Control for Certain Items on the Commerce Control List .....	0694-AC54
336	Revisions to the Export Administration Regulations as a Result of the September 2001 Missile Technology Control Regime (MTCR) Plenary Meeting .....	0694-AC55
337	Revisions to License Exception CTP: Implementation of Presidential Announcement of January 2, 2002 .....	0694-AC56
338	Exports to the Federal Republic of Yugoslavia: Lifting of Sanctions .....	0694-AC57
339	Revision to Export Administration Regulations: Denied Persons List .....	0694-AC58
340	Imposition and Expansion of Controls on Designated Persons .....	0694-AC60
341	Implementation of the Wassenaar Arrangement List of Dual-Use Items and Other Revisions to Encryption Items .....	0694-AC61
342	Revisions and Clarifications to the Export Administration Regulations—Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention .....	0694-AC62

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

Sequence Number	Title	Regulation Identification Number
343	Transfer of Dual-Use Items From U.S. Munitions List to the Commerce Control List .....	0694-AA52
344	Administration of State Log Exports Ban .....	0694-AB25
345	Change the Commerce Control List To Revise Controls on Communication Intercepting Devices (Export Commerce Control Number ECCN 5A980) .....	0694-AB41
346	Clarification of License Exception GFT (Humanitarian Donations) .....	0694-AB49
347	Exports of Technology and Software; Release of Technology or Source Code to Foreign Nationals in the United States .....	0694-AB59
348	India and Pakistan Sanctions .....	0694-AB73
349	Expansion of License Exception CIV Eligibility for "Microprocessors" Controlled by ECCN 3A001 .....	0694-AB90
350	Export of Technology and Software Through Electronic Transmissions, Downloads, and Programmed Onto Hardware .....	0694-AB97
351	Export Administration Regulations: Support Documentation .....	0694-AC04
352	De Minimis Expansion of Eligibility: U.S. Origin Software Incorporated Into Foreign-Made Retail Commodities .....	0694-AC17
353	Short Supply Controls: Crude Oil Exports .....	0694-AC25
354	Offsets in Military Exports .....	0694-AC27
355	Entity List: Additions and Revisions .....	0694-AC28
356	Revisions to Encryption Items .....	0694-AC32
357	Removal of Licensing Exemption for Exports and Reexports of Missile Technology-Controlled Items Destined to Canada .....	0694-AC48
358	License Exception CIV Eligibility for Certain "Microprocessors" Controlled by ECCN 3A001 .....	0694-AC59

## Bureau of Industry and Security—Completed Actions

Sequence Number	Title	Regulation Identification Number
359	Entity List: Removal of Two Russian Entities .....	0694-AC40
360	Revisions and Clarifications to the Commerce Control List; Chemical and Biological Weapons Controls; Australia Group .....	0694-AC43

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## Bureau of Industry and Security—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
361	Implementation of the Wassenaar Arrangement List of Dual-Use Items: Revisions to Categories 1, 2, 3, 4, 5, 6, 7 and 9 of the Commerce Control List and Revisions to Reporting Requirements .....	0694-AC44
362	Export Administration Regulations Entity List: Removal of Indian and Pakistani Entities, and Revision in License Policy .....	0694-AC50

## National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
363	Preventing Harassment from Human Activities Directed at Marine Mammals in the Wild .....	0648-AN43

## National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
364	Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands .....	0648-AG87
365	Regulatory Amendment To Establish Permit and Reporting Requirements for Pelagic Troll and Handline Vessels Fishing Off Pacific Remote Islands of the United States .....	0648-AJ08
366	Establish Central Registry for Limited Access System Permits .....	0648-AJ77
367	Regulatory Amendment To Require Mandatory Observer Coverage in the At-Sea Processing Sector of the Whiting Fishery .....	0648-AK26
368	Adjustment of Management Program: Bottomfish Fisheries in the Hawaiian Islands .....	0648-AK82
369	Revise Exempted Fishing Regulations To Specify Compensatory Fishing Under Exempted Fishing .....	0648-AK84
370	Amendment 11 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region .....	0648-AL67
371	Fishery Management Plan for Calico Scallop Fishery in the South Atlantic Region (FMP) .....	0648-AL78
372	Comprehensive Amendment Addressing Sustainable Fisheries Act Requirements Regarding Overfishing, Bycatch, Fishing Communities and Provisions for Fishery Management Plans for the Caribbean .....	0648-AL86
373	Regulatory Amendment To Reinstate 6000 Pound Trip Limit of Halibut in Area Northeast of the Bering Sea .....	0648-AL97
374	Fishery Management Plan Amendment To Revise Community Development Quota Regulations .....	0648-AM07
375	Amendment 10 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) .....	0648-AM23
376	Enhanced Measures To Mitigate Seabird Bycatch in the Alaska Longline Fisheries .....	0648-AM30
377	Regulatory Amendment To Change the Regulations Implementing the North Pacific Observer Program .....	0648-AM44
378	Framework Regulatory Amendment for the Atlantic Highly Migratory Species (HMS); Fishing Vessel Permits; Charter Boat Operations .....	0648-AM91
379	Amendment 62 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area and Amendment 62 to the FMP for the Groundfish of the Gulf of Alaska .....	0648-AM94
380	Implementation of Western Pacific Coral Reef Ecosystem Fishery Management Plan (FMP) .....	0648-AM97
381	Amendment 7 to the Fishery Management Plan for the Bottomfish Fisheries of the Western Pacific Region .....	0648-AM98
382	Amendment 7 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic FMP .....	0648-AN08
383	Amendment 18 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico .....	0648-AN09
384	Amendment 7 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico .....	0648-AN10
385	Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan .....	0648-AN12
386	Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan .....	0648-AN16
387	Deep-Sea Red Crab Fishery Management Plan .....	0648-AN68
388	Regulatory Amendment To Prevent or Mitigate the Take of Sea Turtles in the Western Pacific Pelagic Fisheries .....	0648-AN75
389	Amendment 9 to the Fishery Management Plan Amendment for the Pelagic Fisheries of the Western Pacific Region .....	0648-AN76
390	Resubmission of Sustainable Fisheries Act Amendment Crustaceans, Bottomfish, and Pelagics Regarding Overfishing Definitions .....	0648-AN79
391	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
392	Fishery Management Plan (FMP) for Sargassum Habitat of the South Atlantic .....	0648-AN87
393	Fishery Management Plan for Northeast Skate .....	0648-AO10

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

Sequence Number	Title	Regulation Identification Number
394	Amendment 5 to the Fishery Management Plan for Precious Coral Fisheries in the Western Pacific Region .....	0648-AO47
395	Amendment 11 to Fishery Management Plan for Shrimp Fishery of Gulf of Mexico (FMP) .....	0648-AO51
396	Amendments to FMPs for Gulf of Mexico Reef Fish and Gulf of Mexico and South Atlantic Coastal Migratory Pelagic Resources To Limit Entry Into Gulf of Mexico Recreational-for-Hire Fisheries .....	0648-AO62
397	Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic, Caribbean, and Gulf of Mexico (FMP) .....	0648-AO63
398	Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Incidental Catch .....	0648-AO75
399	Atlantic Highly Migratory Species; Exempted Fishing Permits Procedures .....	0648-AO79
400	Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries for Fishing Year 2002 .....	0648-AO91
401	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
402	Amendment 13 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region .....	0648-AP03
403	Specifications for the Spiny Dogfish Fishery for Fishing Year 2002 .....	0648-AP07
404	Framework 1 to the Monkfish Fishery Management Plan for Fishing Year 2002 .....	0648-AP11
405	Framework Adjustment 2 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries .....	0648-AP12
406	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
407	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
408	Regulatory Amendment to Implement Permit Stacking in the Limited-Entry Fixed-Gear Sablefish Fishery in 2002 and Beyond .....	0648-AP38
409	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
410	Amendment 5 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region .....	0648-AP41
411	Implementation of Fishery Management Plan for Highly Migratory Species Fisheries Off the West Coast .....	0648-AP42
412	Secretarial Amendment to Implement Annual Adjustment Measures for the Northeast Multispecies Fishery for Fishing Year 2002 .....	0648-AP45
413	Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures .....	0648-AP49
414	Regulatory Amendment Under the Coastal Migratory Pelagics Fishery Management Plan .....	0648-AP50
415	Amendment 2 to the Fishery Management Plan for the Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands .....	0648-AP51
416	Adjustment of Management Program: Bottomfish Fisheries in the Western Pacific .....	0648-AP53
417	Resubmission of Sustainable Fisheries Act Amendment Bottomfish, Crustacean, and Pelagics Regarding Bycatch Provisions .....	0648-AP54
418	Resubmission of Sustainable Fisheries Act Amendment Bottomfish, Crustaceans, and Pelagics, and Precious Corals Regarding Fishing Communities .....	0648-AP55
419	Atlantic Surfclam and Ocean Quahog Fisheries; Amendment 13 .....	0648-AP57
420	Spiny Dogfish Fishery; Amendment 1 .....	0648-AP58
421	Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9 .....	0648-AP60
422	Rulemaking To Implement a Vessel Monitoring System Under the South Pacific Tuna Act .....	0648-AP61
423	Amendment to Regulations for Observer At-Sea Electronic Communication Equipment Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries .....	0648-AP66
424	Revise Community Development Quota Program Administration and Allocation Regulations .....	0648-AP67
425	Amendment 69 to the BSAI FMP - AFA Co-Op Leasing .....	0648-AP71
426	Full Retention of Demersal Shelf Rockfish in Gulf of Alaska Area 650 .....	0648-AP73
427	Antarctic Marine Living Resources Vessel Monitoring System and Catch Documentation Scheme .....	0648-AP74
428	Amendment 60 to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska .....	0648-AP79
429	Suspension of the Texas Closure in Accordance With the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) .....	0648-AP82
430	Amendment 10 to the Coastal Pelagic Species Fishery Management Plan .....	0648-AP87
431	Atlantic Highly Migratory Species (HMS); 2002 Bluefin Tuna Quota Specifications and Effort Controls .....	0648-AP90
432	Amend Regulations Governing the Taking and Importing of Marine Mammals .....	0648-AH83
433	North Atlantic Whale Protection .....	0648-AM85
434	Designated Critical Habitat: Proposed Critical Habitat for Northern California Steelhead .....	0648-AO04
435	Endangered and Threatened Species: Permit Exemptions .....	0648-AO37
436	Captive Steller Sea Lions .....	0648-AO61
437	Taking Marine Mammals Incidental to Rocket Launches From the Kodiak Launch Complex, Kodiak Island, Alaska .....	0648-AP62

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

Sequence Number	Title	Regulation Identification Number
438	Restrictions on Pound Net Leaders to Enhance Turtle Protection in Virginia; Threatened and Endangered Sea Turtle Conservation .....	0648-AP81
439	Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Oil and Gas Structure Removal Activities in the Gulf of Mexico .....	0648-AP83
440	Revision of Overflight Regulations .....	0648-AI91

## National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
441	Regulatory Amendment To Allocate Pacific Halibut to the Charter Boat Fleet .....	0648-AK17
442	Adjustment of the Management Program for Precious Corals Fisheries in the Western Pacific .....	0648-AK23
443	Proposed Highly Migratory Species Process .....	0648-AK40
444	Amendment 54 to FMP for Groundfish Fishery of Bering Sea and Aleutian Islands Area and Amendment 54 to FMP for Groundfish of Gulf of Alaska .....	0648-AK70
445	Crab Community Development Quota Reserves .....	0648-AL92
446	Amendment 67 to the FMP for the Groundfish Fishery of the Bering Sea and the Aleutian Islands Area .....	0648-AM40
447	Prohibit Use of Set Net Gear To Harvest Groundfish in Certain Portions of the Exclusive Economic Zone Waters Seaward of California .....	0648-AN03
448	Atlantic Highly Migratory Species Fisheries; Management of the Atlantic Blue Marlin and White Marlin Recreational Fisheries .....	0648-AN06
449	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
450	Generic Amendment Addressing the Establishment of the Tortugas Marine Reserves Under the Fishery Management Plans of the Gulf of Mexico .....	0648-AN83
451	Amendment 3 to the Fishery Management Plan for the Golden Crab Fishery Off the Southern Atlantic States (FMP) .....	0648-AO23
452	Regulatory Amendment to Modify the Management Program for the Western Pacific Pelagic Fisheries to Mitigate the Take of Seabirds .....	0648-AO35
453	Atlantic Highly Migratory Species; Swordfish Quotas and Fishing Areas .....	0648-AO93
454	American Lobster; Modify Management Measures, Historical Participation .....	0648-AP18
455	Announcement of the Optimum Yield and Harvest Limit for Pacific Mackerel .....	0648-AP43
456	2002-2003 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries Off the Coasts of Washington, Oregon, and California .....	0648-AP52
457	Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework 3 .....	0648-AP56
458	Atlantic Bluefish Fishery; Specifications for Fishing Year 2002 .....	0648-AP59
459	Interim Final Rule To Protect Northeast Multispecies Groundfish Stocks .....	0648-AP78
460	Pacific Halibut Fisheries Catch Sharing Plan .....	0648-AP80
461	Emergency Interim Rule Imposing Additional Restrictions in the Hawaii-Based Longline Fishery .....	0648-AP84
462	Emergency Rule To Implement 2002 Pacific Whiting Specifications .....	0648-AP85
463	Pacific Tuna Fisheries .....	0648-AP86
464	Announcement of the Optimum Yield and Harvest Limit for Pacific Sardine .....	0648-AP88
465	Atlantic Highly Migratory Species (HMS); Regulatory Adjustments; NOAA Information Collection Requirements .....	0648-AP89
466	Interagency Policy on the Prescription of Fishways Under Section 18 of the Federal Power Act .....	0648-AO70
467	Policy for Review of Mandatory Conditions Developed by the Departments of the Interior and Commerce in the Context of Hydropower Licensing .....	0648-AO84
468	Endangered Species; Transferring Permits .....	0648-AP64
469	Atlantic Large Whale 2002 Seasonal Area Management (SAM) Program .....	0648-AP68
470	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
471	Draft Policy for Evaluation of Conservation Efforts in Making Listing Decisions .....	0648-AL91
472	Rulemaking for the Incidental Taking of Marine Mammals During Worldwide Deployment of the U.S. Navy's Low Frequency Active Sonar .....	0648-AM62
473	Sea Turtle Conservation Regulations; Summer Flounder Fishery .....	0648-AM89
474	Sea Turtle Conservation Regulations; Shrimp Fishery .....	0648-AN62
475	Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives .....	0648-AO16
476	Sea Turtle Conservation Regulations; Fishery Activities .....	0648-AP91

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

Sequence Number	Title	Regulation Identification Number
477	Natural Resource Damage Assessment Under the Oil Pollution Act of 1990 .....	0648-AM80

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

Sequence Number	Title	Regulation Identification Number
478	Fishing Capacity Reduction Program .....	0648-AK76
479	Amendment 13 to the Northeast Multispecies Fishery Management Plan .....	0648-AN17
480	Amendment 1 to the Atlantic Herring Fishery Management Plan .....	0648-AN19
481	Amendment 14 to the Northeast Multispecies Fishery Management Plan .....	0648-AN20
482	Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan .....	0648-AO55
483	Sea Turtle Conservation Regulations; Fishery Activities (TEDs) .....	0648-AP16
484	Sea Turtle Conservation Regulations; Fishery Activities .....	0648-AP63
485	Endangered and Threatened Species: Take of Threatened Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) Coho Salmon .....	0648-AJ91
486	Pacific Offshore Cetacean Take Reduction Plan .....	0648-AL70
487	Interagency Consultation for the National Marine Sanctuary Program .....	0648-AL06
488	Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries .....	0648-AO36
489	Regional Marine Research Program .....	0648-AF20

## National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
490	Fishery Management Plan for Tilefish .....	0648-AF87
491	Guidelines for the Description, Identification, Conservation, and Enhancement of Essential Fish Habitat .....	0648-AJ30
492	Regulatory Amendment To Update Regulations Governing the Operation of Regional Fishery Management Councils .....	0648-AJ82
493	Regulatory Amendment To Prohibit Vessels Over 50 Feet From Fishing for Pelagic Management Unit Species Within 50 Nautical Miles of American Samoa .....	0648-AL41
494	Amendment 6 - Definition of Overfishing for Salmon Fisheries Off Alaska .....	0648-AL98
495	Steller Sea Lion Conservation Measures for the BSAI and GOA Pollock Fisheries .....	0648-AM32
496	American Fisheries Act Regulations .....	0648-AO14
497	Revisions to Recordkeeping and Reporting Requirements for 2001 .....	0648-AO20
498	2001 Quotas for Purse Seine Fisheries in the Eastern Pacific .....	0648-AO48
499	Pacific Coast Groundfish Fishery; Announcement of the 2002 Groundfish Fishery Specifications and Management Measures .....	0648-AO69
500	Continue Closure of Two Mid-Atlantic Areas to Scallop Fishing .....	0648-AO71
501	Atlantic Highly Migratory Species; Pelagic Longline Fishery; Gear Requirements .....	0648-AO76
502	Steller Sea Lion Protection Measures for Groundfish Fisheries Off Alaska; Reasonable and Prudent Alternative Under November 30 Biological Opinion on Alaska Groundfish Fisheries .....	0648-AO82
503	Announcement of the Optimum Yield and Harvest Limit for Pacific Sardines .....	0648-AP00
504	Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries for Fishing Year 2002 .....	0648-AP06
505	Specifications for the Atlantic Mackerel, Squid, and Butterfish Fisheries for Fishing Year 2002 .....	0648-AP08
506	Specifications for the Atlantic Surf Clam and Ocean Quahog Fisheries for Fishing Year 2002 .....	0648-AP09
507	Establish Measures To Address the Imminent Rapid Increase in Landings and To Halt Overfishing in the Atlantic Red Crab Fishery .....	0648-AP10
508	Implementation of the Shark Finning Prohibition Act .....	0648-AP21
509	Western Pacific Pelagics Fisheries; Hawaii-Based Pelagic Longline Restrictions and Seasonal Area Closure, Sea Turtle and Sea Bird Mitigation Measures .....	0648-AP24
510	Extension of Atlantic Highly Migratory Species (HMS); Permit Category Deadline .....	0648-AP29
511	Extension of Implementation Date of the Year 4 Default Management Measures for Small-Mesh Multispecies (Whiting, Red Hake and Offshore Hake) .....	0648-AP32
512	Status Review of Gulf of Maine/Bay of Fundy Population of Harbor Porpoise Under the ESA .....	0648-AP33

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

Sequence Number	Title	Regulation Identification Number
513	Eligibility Criteria and Definitions for Western Pacific Community Development Programs and Western Pacific Demonstration Projects .....	0648-AP36
514	Annual Specifications for the Atlantic Herring Fishery for Fishing Year 2002 .....	0648-AP37
515	Framework 1 to the Atlantic Herring Fishery Management Plan .....	0648-AP44
516	Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches at Vandenberg Air Force Base, CA .....	0648-AP47
517	Regulatory Amendment to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan .....	0648-AP65
518	Emergency Rule To Implement Steller Sea Lion Protection Measures and Harvest Specifications for 2002 for the Aleutian Islands, Bering Sea and Gulf of Alaska Groundfish Fisheries .....	0648-AP69
519	Atlantic Highly Migratory Species; Large and Small Coastal Sharks; Commercial Management Measures .....	0648-AP70
520	Regulations Relating to Disclosure of Information and Employee Testimony in Litigation; Removal of Obsolete Regulations .....	0648-AP77
521	Implementation of 1997 MMPA Amendments Affecting Yellowfin Tuna Purse Seine Fishing in the Eastern Tropical Pacific .....	0648-AI85
522	Sea Turtle Conservation Regulations; Fisheries .....	0648-AN64
523	Rule for Gear Modifications to the Atlantic Large Whale Take Reduction Plan .....	0648-AN88
524	Endangered and Threatened Species; Take of Four Threatened Evolutionarily Significant Units of West Coast Salmon .....	0648-AP17
525	Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations .....	0648-AP48
526	Sea Turtle Conservation; Shrimp Trawling Requirements .....	0648-AP75
527	Florida Keys National Marine Sanctuary; Tortugas Ecological Reserve .....	0648-AO18
528	Revisions to Anchoring Prohibitions in Flower Garden Banks National Marine Sanctuary .....	0648-AP22

## National Oceanic and Atmospheric Administration—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0648-AE54	Sea Turtle Monitoring and Conservation Measures for Nonshrimp Fisheries	03/08/2002	Withdrawn
0648-AG46	General Provisions for Domestic Fisheries—Standard Definitions	02/15/2002	Withdrawn
0648-AG80	Amendment of Marine Mammal Regulations To Authorize Incidental Takings of Marine Mammals by Harassment as Authorized by Public Law 103-238	03/08/2002	Withdrawn
0648-AH19	Establish Guidelines for Nonlethally Deterring Marine Mammals From Endangering Personal Safety or Damaging Public or Private Property	03/08/2002	Withdrawn
0648-AH20	General Authorization for Scientific Research Involving Level B Harassment	03/08/2002	Withdrawn
0648-AH31	Issuance of Permits for Marine Mammal Photography	03/08/2002	Withdrawn
0648-AI69	Amendments to the Observer Program - Amendment 47 to the FMP for BSAI Groundfish and Amendment 47 to the FMP for GOA Groundfish	03/07/2002	Withdrawn
0648-AJ60	Amend the Foreign Fishing Regulations To Implement the Provisions of a Pacific Insular Area Fishery Agreement	02/19/2002	Withdrawn
0648-AK08	Regulatory Amendment To Develop a C. Bairdi Vessel Incentive Program	03/07/2002	Withdrawn
0648-AK16	Regulatory Amendment To Allocate Pacific Halibut to the Halibut Subsistence Fishery	03/07/2002	Withdrawn
0648-AL44	Proposed Guidelines for Defining Serious Injury; Request for Comments	03/08/2002	Withdrawn
0648-AL59	Section 4(d) of ESA Protective Regulations for Johnson's Seagrass, a Threatened Species	03/08/2002	Withdrawn
0648-AL66	Regulatory Amendment To Fund Purchase of Limited Entry Trawl Permits To Reduce Excess Capacity in Pacific Coast Groundfish Fleet	03/04/2002	Withdrawn
0648-AL69	Regulatory Amendment To Allocate Lingcod and Bocaccio Rockfish Between Commercial and Recreational Groundfish Fisheries	03/04/2002	Withdrawn
0648-AM39	Alaska Groundfish Fishery Management Plan Amendment To Revise Improved Retention/Improved Utilization Program	03/07/2002	Withdrawn
0648-AM51	Amendment 53 to the Groundfish Fisheries of the Gulf of Alaska Fishery Management Plan	03/04/2002	Withdrawn
0648-AM76	Halibut Bycatch Accounting for the Yellowfin Sole	03/07/2002	Withdrawn
0648-AN21	Regulatory Amendment To Clarify the Alaska Groundfish Individual Fishing Quota Program Appeals Regulations	03/07/2002	Withdrawn

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## National Oceanic and Atmospheric Administration—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date Withdrawn	Comments
0648-AN24	Amendment 63 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area and Amendment 63 to the FMP for the Groundfish of the Gulf of Alaska	03/07/2002	Withdrawn
0648-AN26	Amendments to Alaska FMPs for Groundfish, Crab, and Scallop To Reduce Halibut Mortality	03/07/2002	Withdrawn
0648-AN60	Distribute U.S. Allocations From the Northwest Atlantic Fisheries Organization	03/05/2002	Withdrawn
0648-AN86	Regulatory Amendment Modifying the South Atlantic BRD Testing and Certification Protocol	03/14/2002	Withdrawn
0648-AN89	Designated Critical Habitat; Designation of Marine Areas as Critical Habitat for Pacific Salmon	02/19/2002	Withdrawn
0648-AO26	Multispecies Community Development Quota Program Bycatch Accounting	03/07/2002	Withdrawn
0648-AO57	Regulatory Amendment To Address Inaccuracies in Current Northeast Fisheries Regulations	03/14/2002	Withdrawn
0648-AO59	Endangered and Threatened Species: Permits: Suspension Criteria and Procedures and Revocation Criteria and Procedures	03/08/2002	Withdrawn
0648-AO73	Implement Management Measures for the Pacific Cod Fisheries in the Gulf of Alaska, the Bering Sea, and the Aleutian Islands	03/07/2002	Withdrawn
0648-AO81	Vessel Monitoring System to the Pollock, Pacific Cod, and Atka Mackerel Groundfish Fisheries in the BSAI and GOA	03/07/2002	Withdrawn
0648-AO83	Harvesting Restrictions for the Dolphin and Wahoo Fishery in the Atlantic Exclusive Economic Zone (EEZ)	03/07/2002	Withdrawn
0648-AO90	Observer Program Electronic Reporting Requirements	03/07/2002	Withdrawn
0648-AO98	Amendment 65 to BSAI Groundfish, Amendment 65 to GOA Groundfish, Amendment 12 for Commercial King and Tanner Crab of BSAI, and Amendment 7 for Scallop Fishery Off Alaska	03/07/2002	Withdrawn
0648-AP05	Framework 36 to the Northeast Multispecies Fishery Management Plan	03/04/2001	Withdrawn
0648-AP46	Framework Adjustment for the Northeast Multispecies (Whiting) Fishery	03/15/2002	Duplicate of 0648-AP32

## National Telecommunications and Information Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
529	Mandatory Reimbursement Rules for Relocation of Federal Spectrum .....	0660-AA14

## National Telecommunications and Information Administration—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0660-AA11	Improvement of Technical Management of Internet Names and Addresses	04/01/2002	Withdrawn

## Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
530	Rules of Practice Before the Board of Patent Appeals and Interferences in Appeals Under 35 U.S.C. 134 .....	0651-AB27
531	Changes in Rules of Practice for Patent Interferences and Related Proceedings .....	0651-AB32
532	Development of Plan To Remove Patent and Trademark Classified Paper Files From Public Search Facilities .....	0651-AB34
533	Revision of Patent and Trademark Fees for Fiscal Year 2003 .....	0651-AB49
534	Changes To Improve the Patent and Application Process .....	0651-AB50

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## Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
535	Complaints Regarding Invention Promoters .....	0651-AB12
536	Elimination of Continued Prosecution Application Practice as to Utility and Plant .....	0651-AB37

## Patent and Trademark Office—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
537	Correspondence Filed in the Patent and Trademark Office .....	0651-AB17
538	Electronic Submission of Application for Trademark Registration and Other Documents .....	0651-AB31
539	Changes to Representation of Others Before the U.S. Patent and Trademark Office .....	0651-AB38
540	Madrid Protocol Implementation Act Rules Change .....	0651-AB45
541	Patent and Trademark Office Acquisition Regulation .....	0651-AB46
542	Surcharge for the Use of Non-Electric, Paper Forms for Submission of Applications for Registration and Other Documents .....	0651-AB47
543	Amendment of Rule Regarding Filing of Trademark Correspondence via Express Mail .....	0651-AB48

## Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identification Number
544	Standard for Declaring a Patent Interference .....	0651-AB29
545	Changes to the Time Period For Making Any Necessary Deposits of Biological Materials .....	0651-AB33
546	Revision of Patent Corporation Treaty Application Procedure .....	0651-AB35
547	Requirements for Claiming the Benefit of Prior-Filed Applications Under Eighteen-Month Publication of Patent Applications .....	0651-AB41
548	Trademark Classification; Changes To Comport With Obligations to Nice Agreement Concerning Intl Classification of Goods and Services for Purposes of Registration of Marks of June 15, 1957, as Revised .....	0651-AB42
549	Revision of the Time Limit for National Stage Commencement in the United States for Patent Cooperation Treaty Applications .....	0651-AB44

## Patent and Trademark Office—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0651-AA93 0651-AA95	Requirements for Registration To Practice Before the PTO in Patent Cases Technical and Nontechnical Requirements for Registration To Practice Before the PTO in Patent Cases, Disciplinary Rules, and Investigations and Disciplinary Proceedings	12/31/2001 02/22/2002	Withdrawn Withdrawn
0651-AB11	Patent and Trademark Office Acquisition Regulations	12/31/2001	Withdrawn - Replaced by 0651-AB46.
0651-AB24 0651-AB25	Study of Alternative Fee Structures Preliminary Draft Convention on Jurisdiction and Foreign Judgments and Civil and Commercial Matters	02/25/2002 02/26/2002	Withdrawn Withdrawn
0651-AB26	Notification of Required and Optional Search Criteria for Computer-Implemented Business Method Patent Applications in Class 705 and Request for Comments	02/22/2002	Withdrawn
0651-AB28	Protection of Audiovisual Performances To Be Considered by the WIPO Diplomatic Conference	12/31/2001	Withdrawn
0651-AB30	Establishment of Data Base Containing Official Insignia of Federally Recognized Native American Tribes	12/31/2001	Withdrawn
0651-AB40	Elimination of the Practice of Including Copies of U.S. Patent Documents With Office Actions	02/22/2002	Withdrawn

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## Technology Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
550	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements .....	0692-AA14
551	Acquisition and Protection of Foreign Rights in Inventions .....	0692-AA15
552	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**
**289. 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 (CRRRA) 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 CRRRA’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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	08/00/02	
Final Action Effective	09/00/02	

**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

**290. 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 issues of the Commerce and Foreign Trade Regulation concerning the policies and procedures relating to employee responsibilities and conduct.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**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)**  
**Bureau of Economic Analysis (BEA)**

**Proposed Rule Stage**

**291. ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 801

**Legal Deadline:** None

**Abstract:** This action will amend existing rule 15 CFR 801 to raise the threshold for reporting on the BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons, and to bring the survey into conformity with the BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	
Final Action	11/00/02	
Final Action Effective	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** R. David Belli, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
 Phone: 202 606-9807  
 Fax: 202 606-5318  
 Email: david.belli@bea.doc.gov

**RIN:** 0691-AA43

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

**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 15 CFR 806.17 to provide for the conduct of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2002, as required in the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for

1997 which has been completed and which the new survey will update.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	
Final Action	09/00/02	
Final Action Effective	10/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** R. David Belli, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
 Phone: 202 606-9807  
 Fax: 202 606-5318  
 Email: david.belli@bea.doc.gov

**RIN:** 0691-AA44

**293. 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)**

**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 15 CFR 806.15 on the BE-605, Transactions of U.S. Affiliated, Except a U.S. Banking Affiliate, with Foreign Parent and BE-605 Bank, Transactions of U.S. Banking Affiliate with Foreign Parent, to bring the survey into conformity with the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2002.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	
Final Action	11/00/02	
Final Action Effective	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** R. David Belli, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
 Phone: 202 606-9807  
 Fax: 202 606-5318  
 Email: david.belli@bea.doc.gov

**RIN:** 0691-AA45

**294. INITIAL REPORT ON FOREIGN PERSON'S DIRECT OR INDIRECT ACQUISITION, ESTABLISHMENT, OR PURCHASE OF OPERATING ASSETS, OR U.S. BUSINESS ENTERPRISE, INCLUDING REAL ESTATE**

**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 15 CFR 806.15 on the BE-13, Initial Report on a Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of the Operating Assets, of U.S. Business Enterprise, Including Real Estate and Form BE-14, Report by a U.S. Person Who Assists or Intervenes in the Acquisition of a U.S. Business by, or Who Enters Into a Joint Venture with, a Foreign Person, to bring the survey into conformity with the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2002.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	
Final Action	10/00/02	
Final Action Effective	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** R. David Belli, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, BE-50, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
 Phone: 202 606-9807  
 Fax: 202 606-5318  
 Email: david.belli@bea.doc.gov

**RIN:** 0691-AA46

## Department of Commerce (DOC)

## Completed Actions

## Bureau of Economic Analysis (BEA)

**295. BENCHMARK SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS—2001****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 801**Completed:**

Reason	Date	FR Cite
Final Action	12/11/01	66 FR 63919
Final Action Effective	01/10/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Agency Contact:** R. David Belli

Phone: 202 606-9807

Fax: 202 606-5318

Email: david.belli@bea.doc.gov

**RIN:** 0691-AA41**296. INTERNATIONAL SERVICES SURVEYS: BE-48, ANNUAL SURVEY OF REINSURANCE AND OTHER INSURANCE TRANSACTIONS BY U.S. INSURANCE COMPANIES WITH FOREIGN PERSONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 801**Completed:**

Reason	Date	FR Cite
Final Action	12/11/01	66 FR 63916
Final Action Effective	01/10/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** R. David Belli

Phone: 202 606-9807

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**RIN:** 0691-AA42

## Department of Commerce (DOC)

## Proposed Rule Stage

## Bureau of the Census (CENSUS)

**297. MANDATORY AUTOMATED EXPORT SYSTEM (AES) FILING FOR ALL ITEMS ON THE COMMERCE CONTROL LIST (CCL) AND THE UNITED STATES MUNITIONS LIST (USML)****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	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Dale Dickerson, Regulations, Outreach, & Education Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 3148, FB-3, Washington, DC 20233

Phone: 301 457-2238

Fax: 301 457-3765

**RIN:** 0607-AA34

## Department of Commerce (DOC)

## Final Rule Stage

## Bureau of the Census (CENSUS)

**298. SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS; AMENDMENTS TO AGE SEARCH PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1526; 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	FR Cite
NPRM	09/17/01	66 FR 48013
NPRM Comment Period End	10/17/01	
Final Action	06/00/02	

**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

## DOC—CENSUS

Final Rule Stage

**299. • CUTOFF DATES FOR RECOGNITION OF BOUNDARY CHANGES FOR CENSUS 2000 AND FOR THE INTERCENSAL PERIOD****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553(b)(3)(A); 5 USC 604(a); 44 USC 35**CFR Citation:** 15 CFR 70**Legal Deadline:** None**Abstract:** The Bureau of the Census (Census Bureau) is establishing cutoff dates for recognition of boundary changes to geographic entities for

which the Census Bureau reports data in various surveys, estimates, censuses, programs, compilations, and publications throughout the period between decennial censuses (years 2001 through 2009).

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/02	67 FR 3631
NPRM Comment Period End	02/25/02	
Final Action	07/00/02	

**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

**300. REPORTING VALUE ON SHIPPER'S EXPORT DECLARATION FOR INLAND FREIGHT AND INSURANCE CHARGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 30.7(q)**Timetable:**

Action	Date	FR Cite
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Dale Dickerson  
Phone: 301 457-2238  
Fax: 301 457-3765**RIN:** 0607-AA29**301. REPORTING THE VALUE OF REPAIRS AND REPLACEMENT PARTS ON THE SHIPPER'S EXPORT DECLARATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 30.30(c)**Timetable:**

Action	Date	FR Cite
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Dale Dickerson  
Phone: 301 457-2238  
Fax: 301 457-3765**RIN:** 0607-AA30**302. NOTATION OF THE SHIPPER'S EXPORT DECLARATION FILING EXEMPTION STATEMENT ON MANIFEST DOCUMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 30.50**Timetable:**

Action	Date	FR Cite
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Dale Dickerson  
Phone: 301 457-2238  
Fax: 301 457-3765**RIN:** 0607-AA31**Department of Commerce (DOC)  
General Administration (ADMIN)**

Final Rule Stage

**303. 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	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/23/02	
Final Action	03/00/03	

**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

## DOC—ADMIN

## Final Rule Stage

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NW., Washington, DC 20230

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RIN: 0605-AA16

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

## Long-Term Actions

**304. UNIFORM ADMINISTRATIVE  
REQUIREMENT FOR GRANTS AND  
AGREEMENTS WITH INSTITUTIONS  
OF HIGHER EDUCATION, HOSPITALS,  
AND OTHER NONPROFITS AND  
COMMERCIAL ORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 15 CFR 14

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/04/98	63 FR 47155
Interim Final Rule Effective	10/01/98	
Interim Final Rule Comment Period End	11/03/98	

Action	Date	FR Cite
Final Rule	10/01/01	66 FR 49827
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required: No**

**Government Levels Affected:** None

**Agency Contact:** Elizabeth L. Dorfman  
Phone: 202 482-4115

**RIN:** 0605-AA09

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

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
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)**

## Final Rule Stage

**International Trade Administration (ITA)**
**306. PROCEDURES FOR  
CONDUCTING FIVE-YEAR (SUNSET)  
REVIEWS OF ANTIDUMPING AND  
COUNTERVAILING DUTY ORDERS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 19 CFR 351

**Legal Deadline:** None

**Abstract:** On May 19, 1997 (62 FR 27296), the Department of Commerce (the Department) published final rules on, inter alia, procedures for conducting antidumping and countervailing duty proceedings to conform the Department's existing regulations to the Uruguay Round Agreements Act (URAA). Although these regulations contain provisions on the conduct of sunset reviews, the Department is planning to amend the regulations to provide more guidance on the procedures for conducting sunset reviews. Specifically, the Department proposes to amend the procedural regulations for participation in, and conduct of, sunset reviews to add two definitions to provide shorthand expressions for 120-day and 240-day sunset reviews; provide

deadlines for certain submissions; clarify the information to be provided by parties participating in a sunset review; clarify when the Department will conduct a 120-day or a 240-day sunset review and provide time limits for actions to be taken by the Department.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/20/98	63 FR 13516
Interim Final Rule Effective	03/20/98	
Final Action	10/00/02	

**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

**307. IMPORT OF CERTAIN WORSTED  
WOOL FABRIC: IMPLEMENTATION OF  
TARIFF RATE QUOTE 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

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## Final Rule Stage

the tariff rate quotas and to determine whether the limitations on the quantity of imports under the tariff rate quotas should be modified. Final regulations will be issued after the period for notice and comment has expired.

**Timetable:**

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

Action	Date	FR Cite
Interim Final Rule	03/23/01	
Comment Period End		
Final Rule	05/00/02	

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

**Agency Contact:** Sergio Botero, Industry Economist, Department of Commerce, International Trade Administration, HCHB Room 3119, Office of Textiles and Apparel, 14th and Constitution Avenue NW., Washington, DC 20230  
Phone: 202 482-4058  
Fax: 202 482-0667  
**RIN:** 0625-AA58

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

## Long-Term Actions

**308. EXPORT TRADE CERTIFICATES OF REVIEW (15 CFR 325)****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 325**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Vanessa BachmanPhone: 202 482-5131  
Fax: 202 482-1790**RIN:** 0625-AA52**309. PROPOSED CHANGES IN THE INSULAR POSSESSIONS WATCH, WATCH MOVEMENT AND JEWELRY PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 303**Timetable:**

Action	Date	FR Cite
NPRM	05/23/01	66 FR 28404

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Faye Robinson  
Phone: 202 482-3526**RIN:** 0625-AA57
**Department of Commerce (DOC)  
Bureau of Industry and Security (BIS)**

## Proposed Rule Stage

**310. SNAP: SIMPLIFIED NETWORK APPLICATION PROCESS****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 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 748**Legal Deadline:** None**Abstract:** This proposed rule amends the Export Administration Regulations by incorporating information about

access, usage, and requirements of the Simplified Network Application Process (SNAP). SNAP is an Internet access system that allows an authorized applicant to submit export or reexport applications, high performance computer notifications, commodity classification requests, and reporting forms to the Bureau of Export Administration (BXA) via the Internet.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bxa.doc.gov**RIN:** 0694-AC20
**Department of Commerce (DOC)  
Bureau of Industry and Security (BIS)**

## Final Rule Stage

**311. 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

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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	FR Cite
NPRM	07/21/99	64 FR 39193
Interim Final Rule	12/30/99	64 FR 73744
Correction	12/00/02	

**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

**312. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS; ADDITIONS TO THE ENTITY LIST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 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 Export Administration may inform exporters, individually or through amendment to the EAR, that a license is required for exports or reexports to certain entities. The EAR contains a list of such entities. This rule adds entities to the Entity List, and requires a license for all exports and reexports of all items subject to the EAR.

**Timetable:**

Action	Date	FR Cite
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	12/00/02	

**Regulatory Flexibility Analysis Required:** 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@bxa.doc.gov

**RIN:** 0694-AB60

**313. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS; COUNTRY GROUP E:1; LICENSE EXCEPTION TMP**

**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 interim final rule amends the Export Administration Regulations (EAR) by revising Country Group E:1 to include all terrorist-supporting countries, and replacing references to Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria with Country Group E:1 where appropriate. This rule also expands the scope of eligible countries for License Exception TMP for exhibition and demonstration to all countries except the new Country Group E:1, with certain restrictions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/10/01	66 FR 42108
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** 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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**RIN:** 0694-AB76

**314. 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	FR Cite
Interim Final Rule	12/00/02	

**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@bxa.doc.gov

**RIN:** 0694-AB87

**315. 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

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**Abstract:** The Bureau of Export Administration 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 anti-terrorism controls.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/02	

**Regulatory Flexibility Analysis****Required:** 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-AC05

**316. ANTI-TERRORISM CONTROLS ON IRAQ****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 Export Administration is amending the Export Administration Regulations to impose foreign policy controls on Iraq for anti-terrorism reasons.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/02	

**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-AC06

**317. REVISIONS TO THE NORTH KOREAN EMBARGO POLICY****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 730 to 774**Legal Deadline:** None

**Abstract:** On September 17, 1999, the President announced his decision to ease sanctions against North Korea. Under this new policy, most items subject to the EAR designated as EAR99 may be exported or reexported to North Korea without a license. In addition, BXA is changing the licensing policy for certain items on the Commerce Control List (CCL) destined to North Korea from a policy of denial to case-by-case review. This regulation adds certain categories of items to the CCL for which a license will be required to North Korea. This easing of sanctions does not affect U.S. anti-terrorism or nonproliferation export controls on North Korea.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/19/00	65 FR 38148
Correction	08/00/02	

**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-AC10

**318. EXPANSION OF LICENSE EXCEPTION GOV; EXPORTS AND REEXPORTS TO INTERNATIONAL ORGANIZATIONS****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:** The Bureau of Export Administration maintains the Export Administration Regulations. This rule expands availability of License Exception GOV to allow certain exports and reexports to the North Atlantic Treaty Organization and to the United Nations for those organizations' official use.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/02	

**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

Phone: 202 482-2440

Email: squarter@bxa.doc.gov

RIN: 0694-AC15

**319. 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:** The Bureau of Export Administration (BXA) 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	FR Cite
Final Action	07/00/02	

**Regulatory Flexibility Analysis****Required:** No

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**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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**RIN:** 0694—AC22

### 320. REVISION TO THE EXPORT ADMINISTRATION REGULATIONS: REPLACEMENT LICENSES

**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 748 to 750**Legal Deadline:** None

**Abstract:** The Bureau of Export Administration (BXA) licenses items subject to the Export Administration Regulations (EAR) that are classified on the Commerce Control List (CCL) and require a license. The information on a license application is deemed to be a continuing representation of the existing facts or circumstances of the transaction. If a license application is under consideration by BXA, any material or substantive change in the terms of the order, or in the facts relating to the transaction, must be promptly reported to BXA. However, if a license has been issued and information submitted on the original license application has changed or will change, and these changes are not specifically excepted by the EAR, then the licensee must apply for either a new license or a replacement license to obtain prior authorization for these changes before exporting or reexporting. This rule clarifies the instructions for applying for a replacement license.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce,

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 Fax: 202 482-3355  
 Email: scook@bxa.doc.gov  
**RIN:** 0694—AC23

### 321. REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC app 2401 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 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 EAR by making certain revisions and clarifications and, in some cases, inserts material inadvertently omitted from previous rules.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	

**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@bxa.doc.gov  
**RIN:** 0694—AC24

### 322. CRIME CONTROL ITEMS: REVISIONS TO THE COMMERCE CONTROL LIST

**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 730 to 799**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations by

expanding controls on restraint devices, such as handcuffs, and on discharge type arms, such as stun guns or shock batons. In addition, this rule modifies the license review policy to include consideration of whether there is civil disorder in the country or region or whether there is evidence that the government of the importing country may have violated internationally recognized human rights.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/13/00	65 FR 55177
Final Action	06/00/02	

**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@bxa.doc.gov  
**RIN:** 0694—AC31

### 323. 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 Export Administration (BXA) 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	FR Cite
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** Willard Fisher, Export Administration Specialist,

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## Final Rule Stage

Department of Commerce, Bureau of Industry and Security, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440

RIN: 0694-AC33

### 324. CLARIFICATIONS TO PART 753: SPECIAL COMPREHENSIVE LICENSE REQUIREMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 700 to 799

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Final Action	09/00/02	

#### 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-AC34

### 325. 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

**Abstract:** The Bureau of Export Administration (BXA) 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 BXA licensing requirements and policies for chemicals and precursors controlled for CW reasons.

#### Timetable:

Action	Date	FR Cite
Final Action	12/00/02	

#### 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

### 326. EXPORTS OF AGRICULTURAL COMMODITIES, MEDICINES AND MEDICAL DEVICES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 15 CFR 700 to 799

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) to implement certain provisions of the Trade Sanctions Reform and Export Enhancement Act (TSRA) of 2000. The TSRA requires the President to terminate existing U.S. unilateral agricultural and medical sanctions and also provides that the export of agricultural commodities, medicines and medical devices to designated terrorist countries be made in accordance with the licensing regime described in that Act. The Department of Commerce is implementing TSRA as it relates to exports of agricultural commodities to Cuba. This rule establishes License Exception Agricultural Commodities (AGR) to permit exports and reexports to Cuba of agricultural commodities that are not specifically identified on the Commerce Control List (CCL) and are classified as EAR99. The Department of the Treasury's Office of Foreign Assets Control (OFAC) is implementing TSRA as it relates to exports to Iran, Libya, and Sudan of agricultural commodities, medicines and medical devices that are not specifically identified on the CCL and are classified as EAR99.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	07/12/01	66 FR 36676
Final Rule	08/00/02	

#### 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-AC37

### 327. IMPLEMENTATION OF THE WASSENAAR ARRANGEMENT LIST OF DUAL-USE ITEMS REVISIONS: COMPUTERS; AND REVISIONS TO LICENSE EXCEPTION CTP

**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 742; 15 CFR 743; 15 CFR 774; 15 CFR 748

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**Legal Deadline:** None

**Abstract:** On December 1, 2000, the Wassenaar Arrangement agreed to implement several changes in its List of Dual-Use Goods and Technologies. This final rule revises the CCL to implement certain recently agreed to changes in Category 4 (Computers) of the Wassenaar List of Dual-Use Goods and Technologies, specifically in the area of computers. These changes are being implemented to reflect rapid technological advances and controllability factors. Additional changes in other categories of the Wassenaar Dual-Use List will be implemented in the CCL in a supplemental regulation.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**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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**RIN:** 0694-AC42

### 328. 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 Export Administration

(BXA) 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. BXA 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	FR Cite
Final Rule	05/00/02	

**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

### 329. ADDITION AND REVISION OF MISSILE PROJECTS IN 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 740

**Legal Deadline:** None

**Abstract:** This interim rule amends the Export Administration Regulations (EAR) by revising the footnote to Country Group D, which includes missile projects of concern. This rule updates the list of missile projects by adding missile projects and revising others by expanding the scope to missile project series. This rule will increase the amount of applications for license submitted to the Bureau of Export Administration, while curtailing the availability of goods and technology that could contribute to missile proliferation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/02	

**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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**RIN:** 0694-AC46

### 330. REVISION, SUSPENSION, OR PROHIBITION OF USE OF "NO LICENSE REQUIRED" PROVISIONS

**Priority:** Routine and Frequent

**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 732; 15 CFR 738; 15 CFR 758

**Legal Deadline:** None

**Abstract:** The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) to add provisions that alert the public that BXA has the authority to revise, suspend, or prohibit the use of "No License Required" provisions. These provisions were unintentionally not included in the newly "reformed" EAR during the "regulatory reform" exercise in March of 1996.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/02	

**Regulatory Flexibility Analysis Required:** 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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**RIN:** 0694-AC47

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**331. LICENSING JURISDICTION FOR "SPACE QUALIFIED" ITEMS****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**Legal Deadline:** None**Abstract:** This interim final rule amends Export Administration Regulations (EAR) by revising Supplement No. 1 to part 774, the Commerce Control List (CCL) to clarify the licensing jurisdiction of certain "space qualified" items on the CCL. This rule also amends the EAR by removing certain "space qualified" items from License Exception eligibility in part 740 and the CCL.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/02	

**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@bxa.doc.gov**RIN:** 0694-AC49**332. • MISSILE TECHNOLOGY PRODUCTION EQUIPMENT AND FACILITIES****Priority:** Routine and Frequent**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 774**Legal Deadline:** None**Abstract:** In an effort to clarify Department of Commerce controls, Commerce is revising the language contained in Export Control Classification Numbers (ECCNs) 9B115, 9B116, 1B115, and 1B117 to reflect that all missile technology (MT) production equipment and facilities are controlled on the Commerce Control List (CCL).**Timetable:**

Action	Date	FR Cite
Final Action	07/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096/MS 2705, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
Phone: 202 482-2440  
Fax: 202 482-3355  
Email: scook@bxa.doc.gov**RIN:** 0694-AC51**333. • REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS—NUCLEAR NONPROLIFERATION CONTROLS: NUCLEAR SUPPLIERS GROUP****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 7420; 10 USC 7430(e); 50 USC 1701; 50 USC 2401; EO 13222; ...**CFR Citation:** 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 744; 15 CFR 772; 15 CFR 774**Legal Deadline:** None**Abstract:** The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) by revising certain entries on its control list that are controlled for nuclear nonproliferation (NP) reasons. This final rule revises these entries to make them conform more closely to the format used in the technical descriptions of items identified in the Annex to the "Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology" (the Annex), which is published by the International Atomic Energy Agency. Member countries of the Nuclear Suppliers Group (NSG), which includes the United States, have established export licensing procedures for the transfer of items identified in the Annex.

This final rule also revises the types of controls and the scope of the controls that apply to a number of entries on the Commerce Control List (CCL). In addition, this rule amends the "Related Controls" paragraphs in a number of entries by adding references

to related items that are either controlled under other entries on the CCL or controlled by other U.S. Government agencies.

As a result of the admission of Belarus, Cyprus, Slovenia, and Turkey to the Nuclear Suppliers Group, this rule adds these four countries to Country Group A:4, which identifies the member countries of the Nuclear Suppliers Group. These four countries are also added to the definition of the term "Nuclear Suppliers Group" in the EAR. The addition of these four countries will lessen the administrative burden on U.S. exporters by decreasing the number of items that require an export license to these countries for nuclear nonproliferation (NP) reasons.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**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-AC52**334. • CORRECTIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS: CZECH REPUBLIC, HUNGARY AND POLAND****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; EO 13026; EO 13222; ...**CFR Citation:** 15 CFR 738; 15 CFR 742**Legal Deadline:** None**Abstract:** The Bureau of Export Administration maintains the Export Administration Regulations (EAR). This rule amends the EAR by removing the license requirements for certain regional stability items and for certain crime control items destined to the Czech Republic, Hungary and Poland to correctly reflect the status of those countries as NATO members.**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

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**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-AC53**335. • 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	FR Cite
Final Action	05/00/02	

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

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**RIN:** 0694-AC54**336. • REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS AS A RESULT OF THE SEPTEMBER 2001 MISSILE TECHNOLOGY CONTROL REGIME (MTCR) PLENARY MEETING****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 2401; 50 USC 1701; 10 USC 7420; 10 USC 7430(e); 18 USC 2510; ...**CFR Citation:** 15 CFR 774**Legal Deadline:** None

**Abstract:** The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR), Commerce Control List (CCL), to reflect changes that were negotiated during the September 2001 Missile Technology Control Regime (MTCR) Plenary in Ottawa, Canada. These revisions include several changes to Items 3.A.1 and 8.C.3 of the MTCR Annex, controlled on the CCL under ECCNs 9A101 and 1C107, respectively.

These revisions will result in an expansion of MT controls, which will not increase the number of applications for 1C107, as industry had already been applying for licenses at these levels of controls. As for 9A101, BXA has not received any applications for this ECCN; therefore, it has been determined that this expansion should not result in an increase of license applications for this ECCN.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**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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**RIN:** 0694-AC55**337. • REVISIONS TO LICENSE EXCEPTION CTP: IMPLEMENTATION OF PRESIDENTIAL ANNOUNCEMENT OF JANUARY 2, 2002****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 1701; 50 USC 2401; EO 13026; EO 13222; EO 12058;

...

**CFR Citation:** 15 CFR 734; 15 CFR 740; 15 CFR 742**Legal Deadline:** None

**Abstract:** The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) by revising License Exception CTP to reflect rapid technological advances in computing capability. This rule implements the President's revision to U.S. export controls on high performance computers (HPCs), announced January 2, 2002. All HPCs continue to be eligible for export to a Computer Tier 1 country under License Exception CTP. Beginning March 3, 2002, HPCs controlled by Export Control Classification Number (ECCN) 4A003 with a CTP up to 190,000 Millions of Theoretical Operations per Second (MTOPS) can be exported to Computer Tier 3 countries under License Exception CTP. This revision also applies to electronic assemblies and specially designed components controlled by ECCN 4A003. The NDAA advance notification will not be required because President Bush sent a report to Congress on January 2 to increase the requirement level for NDAA advanced notification for exports to Computer Tier 3 countries of HPCs with a CTP exceeding 190,000 MTOPS. This rule also moves Latvia from Computer Tier 3 to Computer Tier 1, effective May 2, 2002. The President's action will promote our national security, enhance the effectiveness of our export control system and ease unnecessary regulatory burdens on both government and industry.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

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

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**Government Levels Affected:** None

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**RIN:** 0694—AC56**338. • EXPORTS TO THE FEDERAL REPUBLIC OF YUGOSLAVIA: LIFTING OF SANCTIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 1701; 50 USC 2401; EO 13026; EO 13222; EO 12854;  
...

**CFR Citation:** 15 CFR 732; 15 CFR 738; 15 CFR 746; 15 CFR 758

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) by removing the license requirements imposed on the Federal Republic of Yugoslavia on July 14, 1998. Under the EAR, controls have been maintained on arms and related material to the Federal Republic of Yugoslavia (Serbia and Montenegro) consistent with the UNSC Resolution 1160. On September 10, 2001, in Resolution 1367, the UNSC terminated the international arms embargo against the Federal Republic of Yugoslavia established by Resolution 1160. This rule implements UNSC Resolution 1367.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**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  
Phone: 202 482-2440  
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**RIN:** 0694—AC57**339. • REVISION TO EXPORT ADMINISTRATION REGULATIONS: DENIED PERSONS LIST****Priority:** Info./Admin./Other

**Legal Authority:** 50 USC 1701; 50 USC 2401; EO 13222; EO 13026; EO 12938;  
...

**CFR Citation:** 15 CFR 732; 15 CFR 736; 15 CFR 752; 15 CFR 758; 15 CFR 764;  
...

**Legal Deadline:** None

**Abstract:** This rule removes the description of the denied persons list format from the Export Administration Regulations. It eliminates several references to the list published in Supplement 2 to part 764 in the looseleaf edition of the Export Administration Regulations as “the” denied persons list.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** William H. Arvin, Senior Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 2096, 14th & Pennsylvania Avenue NW., Washington, DC 20230  
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**RIN:** 0694—AC58**340. • 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 C.F.R. 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 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	FR Cite
Final Action	05/00/02	

**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—AC60**341. • IMPLEMENTATION OF THE WASSENAAR ARRANGEMENT LIST OF DUAL-USE ITEMS AND OTHER REVISIONS TO ENCRYPTION ITEMS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 1701; 50 USC 2401; EO 13026; EO 13222; EO 12058;  
...

**CFR Citation:** 15 CFR 732; 15 CFR 740; 15 CFR 742; 15 CFR 748; 15 CFR 770;  
...

**Legal Deadline:** None

**Abstract:** This rule amends the Export Administration Regulations (EAR) to reflect changes made to the Wassenaar Arrangement List of dual-use items, and to update and clarify other provisions of the EAR pertaining to

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encryption export controls. For the first time, mass market encryption commodities and software with symmetric key lengths exceeding 64 bits may be exported and reexported No License Required (NLR) under Export Control Classification Numbers (ECCNs) 5A992 and 5D992, following a 30-day review by the Bureau of Export Administration (BXA). This rule updates Category 5—part II (Information Security) of the Commerce Control List (CCL), and for the first time allows equipment controlled under ECCN 5B002 to be exported and reexported under License Exception ENC. For all other information security items, including encryption source code that would be considered publicly available, this rule updates and clarifies existing notification, review, licensing and post-export reporting requirements. Restrictions on exports and reexports of encryption items to terrorist-supporting states (Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria), their nationals and other sanctioned entities are not changed by this rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/02	

**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-AC61

**342. • REVISIONS AND CLARIFICATIONS TO THE EXPORT ADMINISTRATION REGULATIONS—CHEMICAL AND BIOLOGICAL WEAPONS CONTROLS: AUSTRALIA GROUP; CHEMICAL WEAPONS CONVENTION**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 1701; 50 USC 2401; EO 12938; EO 13020; EO 13026;

...

**CFR Citation:** 15 CFR 736; 15 CFR 738; 15 CFR 740; 15 CFR 742; 15 CFR 745;

...

**Legal Deadline:** None

**Abstract:** The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) to implement the understandings reached at the October 2001 plenary meeting of the Australia Group (AG).

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**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  
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**RIN:** 0694-AC62

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

## Long-Term Actions

**343. 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	FR Cite
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

**344. ADMINISTRATION OF STATE LOG EXPORTS BAN**

**Priority:** Other Significant**CFR Citation:** 15 CFR 754**Timetable:**

Action	Date	FR Cite
ANPRM	06/07/95	60 FR 30030
ANPRM Comment Period End	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

**345. 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	FR Cite
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

**346. 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	FR Cite
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**347. 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	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Hillary Hess

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**RIN:** 0694-AB59**348. INDIA AND PAKISTAN SANCTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 774**Timetable:**

Action	Date	FR Cite
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
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Final Rule	03/17/00	65 FR 14444
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Final Rule	07/26/00	65 FR 45842
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Next Action Undetermined

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

**RIN:** 0694-AB97**351. EXPORT ADMINISTRATION****REGULATIONS: SUPPORT****DOCUMENTATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Hillary Hess

Phone: 202 482-2440

Fax: 202 482-3355

Email: hhess@bxa.doc.gov

**RIN:** 0694-AB73**349. 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	FR Cite
Interim Final Rule	07/08/99	64 FR 36779

Interim Final Rule	11/26/99	64 FR 66372
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Interim Final Rule	06/13/00	65 FR 37039
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Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Hillary Hess

Phone: 202 482-2440

Fax: 202 482-3355

Email: hhess@bxa.doc.gov

**RIN:** 0694-AB90**350. EXPORT OF TECHNOLOGY AND SOFTWARE THROUGH ELECTRONIC TRANSMISSIONS, DOWNLOADS, AND PROGRAMMED ONTO HARDWARE****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 700 to 799**Timetable:**

Action	Date	FR Cite
ANPRM	To Be Determined	

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

**RIN:** 0694-AB97**351. EXPORT ADMINISTRATION****REGULATIONS: SUPPORT****DOCUMENTATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 748**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

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

Undetermined

**Agency Contact:** Sharron Cook

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

**RIN:** 0694-AC04**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	FR Cite
Interim Final Rule	To Be Determined	

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

**RIN:** 0694-AC17**353. SHORT SUPPLY CONTROLS: CRUDE OIL EXPORTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 750; 15 CFR 754**Timetable:**

Action	Date	FR Cite
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**354. OFFSETS IN MILITARY EXPORTS****Priority:** Other Significant**CFR Citation:** 15 CFR 701

## DOC—BIS

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brad Botwin

Phone: 202 482-4060

Fax: 202 482-5650

**RIN:** 0694-AC27**355. ENTITY LIST: ADDITIONS AND REVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 730 to 799**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

**RIN:** 0694-AC28**356. REVISIONS TO ENCRYPTION ITEMS****Priority:** Other Significant**CFR Citation:** 15 CFR 730 to 799**Timetable:**

Action	Date	FR Cite
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**357. 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	FR Cite
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

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

**RIN:** 0694-AC48**358. • LICENSE EXCEPTION CIV ELIGIBILITY FOR CERTAIN "MICROPROCESSORS" CONTROLLED BY ECCN 3A001****Priority:** Substantive, Nonsignificant**Legal Authority:** 50 USC 1701; 50 USC 2401; 10 USC 7420; 18 USC 2510; EO 13026; ...**CFR Citation:** 15 CFR 774**Legal Deadline:** None

**Abstract:** The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export licensing requirements based on their characteristics. Consistent with technological changes, this final rule makes License Exception CIV available for certain microprocessors controlled by Export Control Classification Number (ECCN) 3A001 when they have a composite theoretical performance (CTP) of equal to or greater than 6,500 million theoretical operations per second (MTOPS), but less than or equal to 12,000 MTOPS. License Exception CIV authorizes exports and reexports to civil end-users for civil end-users in Country Group D:1, except North Korea. CIV may not be used for exports or reexports to military end-users or end-uses.

**Timetable:**

Action	Date	FR Cite
Final Rule	03/21/02	67 FR 13091
Next Action Undetermined		

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

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

**RIN:** 0694-AC59**Department of Commerce (DOC)  
Bureau of Industry and Security (BIS)****Completed Actions****359. ENTITY LIST: REMOVAL OF TWO RUSSIAN ENTITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 744**Completed:**

Reason	Date	FR Cite
Final Action	12/21/01	66 FR 65836

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

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

**RIN:** 0694-AC40**360. REVISIONS AND CLARIFICATIONS TO THE COMMERCE CONTROL LIST; CHEMICAL AND BIOLOGICAL WEAPONS CONTROLS; AUSTRALIA GROUP****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 700 to 799

## DOC—BIS

## Completed Actions

## Completed:

Reason	Date	FR Cite
Final Action	09/28/01	66 FR 49520

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Willard Fisher

Phone: 202 482-2440

RIN: 0694-AC43

**361. IMPLEMENTATION OF THE WASSENAAR ARRANGEMENT LIST OF DUAL-USE ITEMS: REVISIONS TO CATEGORIES 1, 2, 3, 4, 5, 6, 7 AND 9 OF THE COMMERCE CONTROL LIST AND REVISIONS TO REPORTING REQUIREMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 700 to 799

## Completed:

Reason	Date	FR Cite
Final Action	01/03/02	67 FR 458

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Sharron Cook

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

RIN: 0694-AC44

**362. EXPORT ADMINISTRATION REGULATIONS ENTITY LIST: REMOVAL OF INDIAN AND PAKISTANI ENTITIES, AND REVISION IN LICENSE POLICY**

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 744; 15 CFR 742

## Completed:

Reason	Date	FR Cite
Final Action	10/01/01	66 FR 50090

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Sharron Cook

Phone: 202 482-2440

Fax: 202 482-3355

Email: scook@bxa.doc.gov

RIN: 0694-AC50

## Department of Commerce (DOC)

## National Oceanic and Atmospheric Administration (NOAA)

## Prerule Stage

## NATIONAL MARINE FISHERIES SERVICE

**363. 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: Announces that NMFS is considering whether to issue

regulations that would prohibit the public from swimming with or otherwise interacting with dolphins and other marine mammals in the wild.

## Timetable:

Action	Date	FR Cite
ANPRM	01/30/02	67 FR 4379
ANPRM Comment Period End	04/01/02	
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**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-AN43

## Department of Commerce (DOC)

## National Oceanic and Atmospheric Administration (NOAA)

## Proposed Rule Stage

## NATIONAL MARINE FISHERIES SERVICE

**364. 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 gill nets, 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	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AG87

## DOC—NOAA

## Proposed Rule Stage

**365. REGULATORY AMENDMENT TO ESTABLISH PERMIT AND REPORTING REQUIREMENTS FOR PELAGIC TROLL AND HANDLINE VESSELS FISHING OFF PACIFIC REMOTE ISLANDS OF THE UNITED STATES****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 action will establish NMFS permit/reporting requirements for pelagic troll and handline vessels fishing in waters off the U.S. Pacific remote island areas.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** State, Local, Tribal, Federal**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: 808 973-2937**RIN:** 0648-AJ08**366. 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	FR Cite
ANPRM	05/07/97	62 FR 24897
ANPRM Comment Period End	08/05/97	
NPRM	06/00/02	

**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**367. 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	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

**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**368. 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.**Abstract:** This regulatory action would facilitate and enable adjustments to management measures governing bottomfish fisheries of the main and Northwestern Hawaiian Islands. Possible measures include a point system based on historical participation, a limited permit transfer process, or a lottery system.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

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

Undetermined

**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: 808 973-2937**RIN:** 0648-AK82**369. 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	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	07/00/02	
Final Action	08/00/02	

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

Undetermined

## DOC—NOAA

## Proposed Rule Stage

**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov

**RIN:** 0648-AK84

### 370. 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 FMP would add the EEZ waters off the U.S. Pacific Island Areas and the Commonwealth of the Northern Mariana Islands as crustaceans management areas.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment	01/00/03	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**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: 808 973-2937

**RIN:** 0648-AL67

### 371. 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	FR Cite
NPRM	08/00/02	

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

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

**RIN:** 0648-AL78

### 372. 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	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**  
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Under 16 USC 1853 note, each Regional Fishery Management Council must submit to NMFS amendments to its fishery management plans and any associated proposed regulations bringing them into compliance with the Sustainable Fisheries Act (P.L. 104-297). Final regulations to be published within 30 days of NPRM comment period.

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

**RIN:** 0648-AL86

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

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

**Unfunded Mandates:** Undetermined

**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.

## DOC—NOAA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

Required: Yes

**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228

RIN: 0648-AL97

### 374. FISHERY MANAGEMENT PLAN AMENDMENT TO REVISE COMMUNITY DEVELOPMENT QUOTA REGULATIONS

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

**Unfunded Mandates:** Undetermined**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:** Revisions to the Community Development Quota (CDQ) regulations that would include: overage/underage provisions, pooling, and removing species from CDQ; revise observer coverage requirements shoreside; crab CDQ regulations change to allow start in September crab management year instead of calendar year; change start date for CDQ trawl fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	09/00/02	

**Regulatory Flexibility Analysis**

Required: Yes

**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

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

Phone: 907 586-7228

RIN: 0648-AM07

### 375. 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 EEZ 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	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

Required: Undetermined

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

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AM23

### 376. ENHANCED MEASURES TO MITIGATE SEABIRD BYCATCH IN THE ALASKA LONGLINE FISHERIES

**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	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis**

Required: Yes

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

**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228

RIN: 0648-AM30

### 377. REGULATORY AMENDMENT TO CHANGE THE REGULATIONS IMPLEMENTING THE NORTH PACIFIC OBSERVER PROGRAM

**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 would change the regulations implementing the North Pacific Observer program, including authority to place NMFS personnel onboard fish or processing vessels, revised requirements for shoreside accommodations for observers, and revisions to observer coverage levels.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	07/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228

RIN: 0648-AM44

## DOC—NOAA

## Proposed Rule Stage

**378. FRAMEWORK REGULATORY AMENDMENT FOR THE ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); FISHING VESSEL PERMITS; CHARTER BOAT OPERATIONS****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 framework regulatory amendment to the HMS FMP will adjust gear/permitting/reporting requirements.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov**RIN:** 0648-AM91**379. AMENDMENT 62 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA AND AMENDMENT 62 TO THE FMP FOR THE GROUND FISH OF THE GULF OF ALASKA****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** PL 105-277**CFR Citation:** 50 CFR 679**Legal Deadline:** Final, Statutory, January 30, 2000.**Abstract:** This Fishery Management Plan amendment complies with the requirements of the American Fisheries Act by revising inshore/offshore directed pollock allocations and replacement requirements for eligible vessels.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228**RIN:** 0648-AM94**380. IMPLEMENTATION OF WESTERN PACIFIC CORAL REEF ECOSYSTEM FISHERY MANAGEMENT PLAN (FMP)****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 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	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Undetermined**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: 808 973-2937**RIN:** 0648-AM97**381. 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	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**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: 808 973-2937**RIN:** 0648-AM98**382. 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	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Joseph Powers, Acting Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and

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Atmospheric Administration, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432  
Phone: 727 570-5301

RIN: 0648-AN08

### 383. 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	FR Cite
NPRM	10/00/02	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AN09

### 384. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE STONE CRAB FISHERY OF THE GULF OF MEXICO

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 654

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

**Abstract:** Amendment 7 would adopt the relevant provisions of Florida's approved limited entry trap reduction program for the stone crab fishery and apply them to vessels fishing in the exclusive economic zone off Florida's west coast.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

#### Government Levels Affected:

Undetermined

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AN10

### 385. AMENDMENT 13 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

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

**Abstract:** Amendment 13 is being developed to bring the disapproved Essential Fish Habitat portions of Amendment 12 into compliance with the Sustainable Fisheries Act and revise management of black sea bass.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** State, 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-AN12

### 386. AMENDMENT 10 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** 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	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	07/00/02	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**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

### 387. DEEP-SEA RED CRAB 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 establish a fishery management plan for the red crab fishery to protect the stock.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

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

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

RIN: 0648-AN68

### 388. REGULATORY AMENDMENT TO PREVENT OR MITIGATE THE TAKE OF SEA TURTLES IN THE WESTERN PACIFIC PELAGIC FISHERIES

**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 regulatory action would modify the management program for the western Pacific pelagic fisheries to mitigate or prevent the take of sea turtles.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**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: 808 973-2937

RIN: 0648-AN75

### 389. 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	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	12/00/02	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**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: 808 973-2937

RIN: 0648-AN76

### 390. RESUBMISSION OF SUSTAINABLE FISHERIES ACT AMENDMENT CRUSTACEANS, BOTTOMFISH, AND PELAGICS REGARDING OVERFISHING DEFINITIONS

**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 overfishing definitions.

#### Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

#### 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: 808 973-2937

RIN: 0648-AN79

### 391. 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 testing/certifying protocol's requirements while maintaining the scientific and statistical credibility in achieving the FMP's established bycatch reduction criterion for certified BRDs.

#### Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AN84

### 392. 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:** Sargassum habitat is defined as essential fish habitat for several

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managed fish stocks in the South Atlantic region under the provisions of the South Atlantic Fishery Management Council's fishery management plans. To further conserve and manage Sargassum habitat, the Council's proposed new FMP would restrict the commercial harvest of Sargassum to avoid further expansion of the current limited fishery and to reduce the potential for habitat loss.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

**RIN:** 0648-AN87

**393. FISHERY MANAGEMENT PLAN FOR NORTHEAST SKATE**

**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 four of the seven species of skate and to provide basic protection for the remaining three species.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**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

**394. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR PRECIOUS CORAL FISHERIES IN 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 5 would facilitate and enable adjustments to management measures for the precious coral fisheries in the Commonwealth of the Northern Mariana Islands (CNMI). Possible regulatory changes could include inclusion of the EEZ around CNMI, within the management area of the FMP, as well as permit and reporting requirements for harvesters in this area.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** 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: 808 973-2937

**RIN:** 0648-AO47

**395. AMENDMENT 11 TO FISHERY MANAGEMENT PLAN FOR SHRIMP FISHERY OF 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 11 would require vessels using shrimp trawls in

the Gulf of Mexico EEZ to obtain Federal permits for the purposes of identifying vessels and reporting and describe permit qualification criteria and permit application, issuance, and transferability requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	02/25/02	67 FR 8503
NPRM Comment Period End	04/11/02	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

**RIN:** 0648-AO51

**396. AMENDMENTS TO FMPS FOR GULF OF MEXICO REEF FISH AND GULF OF MEXICO AND SOUTH ATLANTIC COASTAL MIGRATORY PELAGIC RESOURCES TO LIMIT ENTRY INTO GULF OF MEXICO RECREATIONAL-FOR-HIRE FISHERIES**

**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 the end of NPRM comment period.

**Abstract:** These amendments to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico and to the FMP for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic would impose additional measures limiting entry into the recreational-for-hire (i.e., charter vessel and headboat) fisheries for reef fish and coastal migratory pelagic fish (e.g., king and Spanish mackerel) in the exclusive economic zone of the Gulf of Mexico. NMFS published an advanced notice of proposed rulemaking announcing that the Council was considering November 18, 1999, as a possible control date for

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this action (63 FR 64031). The FMP amendments would address the issue of the recreational sectors exceeding their annual allocations.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

**RIN:** 0648-AO62

**397. FISHERY MANAGEMENT PLAN FOR THE DOLPHIN AND WAHOO FISHERY OF THE ATLANTIC, CARIBBEAN, AND GULF OF MEXICO (FMP)**

**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 jointly by the South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils, is to provide a comprehensive management program for dolphin and wahoo in the Atlantic Ocean, Gulf of Mexico, and Caribbean exclusive economic zone.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

**RIN:** 0648-AO63

**398. 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	FR Cite
ANPRM	11/17/00	65 FR 69492
ANPRM Comment Period End	12/14/00	
Comment Period Extended	01/16/01	
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov

**RIN:** 0648-AO75

**399. 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	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov

**RIN:** 0648-AO79

**400. RECREATIONAL MEASURES FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES FOR FISHING YEAR 2002**

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

**Unfunded Mandates:** Undetermined

**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 establish the possession limit, size limit, and other management measures for the recreational fisheries for fishing year 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	
Final Action	07/00/02	
Final Action Effective	08/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

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

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Phone: 978 281-9200

RIN: 0648-AO91

**401. 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	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AP02

**402. 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 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	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AP03

**403. SPECIFICATIONS FOR THE SPINY DOGFISH FISHERY FOR FISHING YEAR 2002****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:** These annual specifications for spiny dogfish would implement a coastwide quota and management measures to achieve a target fishing mortality rate specified in the Spiny Dogfish FMP.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**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-AP07

**404. FRAMEWORK 1 TO THE MONKFISH FISHERY MANAGEMENT PLAN FOR FISHING YEAR 2002****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**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 extend year-3 management measures for the monkfish fishery for fishing year 2002.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	

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

Undetermined

**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-AP11

**405. FRAMEWORK ADJUSTMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** Final, Statutory, Final regulations to be published within 30 days of the end of the NPRM comment period.**Abstract:** Framework Adjustment 2 would implement a 5-year extension of the Illex squid moratorium; a rollover of the mackerel specifications in the event the current annual specifications are not in place (excluding TALFF specifications); a modification to the overfishing definition and in-season adjustment provision for the Loligo squid fishery; and a Loligo squid trip limit exemption in the directed Illex

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squid fishery during the months of June to September in the event the directed Loligo squid fishery is closed.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**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-AP12

**406. 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 (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	FR Cite
ANPRM	05/24/01	66 FR 28726
ANPRM Comment Period End	06/25/01	
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:** The Advanced Notice of Proposed Rule making was published under RIN 0648-AP18.

**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

**407. 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 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 proposed 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	FR Cite
NPRM	05/00/02	

**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

**408. 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 to contact enforcement officials before making sablefish landings; vessel owners wishing to freeze sablefish at sea will be required to provide proof of a history of freezing sablefish at sea in the years 1998, 1999, or 2000.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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## Proposed 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-AP38

**409. 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

**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 Proposed Rule.

**Abstract:** This proposed regulation would alter sablefish tier qualification requirements at 50 CFR 660 to include sablefish landings made in the 1984-1986 setnet sablefish fishery. This is a minor regulation intended to allow sablefish endorsement holders to qualify for sablefish tier assignment based on both fixed-gear sablefish landings and on experimental setnet sablefish landings, and will not change the effect of the fishery on the sablefish resource nor change the overall sablefish harvest level.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

RIN: 0648-AP39

**410. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE SOUTH ATLANTIC REGION**

**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:** This rule would implement Amendment 5 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the South Atlantic Region. This rule proposes to: (1) establish a license limitation program for the rock shrimp fishery prosecuted south of the South Carolina-Georgia border in the South Atlantic Region that (a) have held a valid rock shrimp permit prior to December 31, 2000 and (b) can demonstrate landings of at least 15,000 pounds in any one year from 1996 to 2000; (2) require captains operating permitted vessels fishing for rock shrimp in the South Atlantic EEZ to have a vessel operator's permit issued by the National Marine Fisheries Service to participate in the fishery; (3) require the minimum allowable mesh size for a trawl used to fish in the South Atlantic EEZ for rock shrimp be 1 and 7/8 inch stretched mesh; and (4) require any vessel fishing for rock shrimp in the South Atlantic Council's EEZ to use an approved vessel monitoring system that would not exceed \$1,200 in cost for equipment and installation. Annual communication costs would not exceed \$800.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Peter J. Eldridge, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration  
Phone: 727 570-5305  
Fax: 727 570-3583  
Email: peter.eldridge@noaa.gov

RIN: 0648-AP41

**411. 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	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	10/00/02	
Final Action	11/00/02	
Final Action Effective	12/00/02	

**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

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## Proposed Rule Stage

**412. SECRETARIAL AMENDMENT TO IMPLEMENT ANNUAL ADJUSTMENT MEASURES FOR THE NORTHEAST MULTISPECIES FISHERY FOR FISHING YEAR 2002**

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

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

**CFR Citation:** 50 CFR 648

**Legal Deadline:** None

**Abstract:** This action would implement management measures for the Northeast multispecies fishery for fishing year 2002.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**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-AP45

**413. ATLANTIC HIGHLY MIGRATORY SPECIES; PELAGIC LONGLINE FISHERY; SEA TURTLE PROTECTION 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 measures that were discussed in the June 14, 2001, Biological Opinion to reduce the bycatch mortality of endangered and threatened sea turtles. These requirements would be adopted by vessels that fish in specified highly migratory species (HMS) fisheries in the Atlantic Ocean. Also, this rule would finalize the interim final rule published on March 30, 2001, the emergency rule that published on July 13, 2001, and clarify the HMS regulations to address certain enforcement issues.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov

**RIN:** 0648-AP49

**414. 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	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

**RIN:** 0648-AP50

**415. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH RESOURCES 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 2 would prohibit possession and harvest of queen conch in the exclusive economic zone (EEZ) of the U.S. Caribbean. The queen conch resource is overfished and needs to be rebuilt to a healthy level consistent with requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

**RIN:** 0648-AP51

**416. ADJUSTMENT OF MANAGEMENT PROGRAM: BOTTOMFISH FISHERIES IN THE WESTERN PACIFIC**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, January 2002.

**Abstract:** This regulatory action would facilitate and enable adjustments to management measures for the bottomfish fisheries in the Commonwealth of the Northern Mariana Islands.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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## Proposed Rule Stage

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

**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: 808 973-2937

**RIN:** 0648-AP53
**417. RESUBMISSION OF SUSTAINABLE FISHERIES ACT AMENDMENT BOTTOMFISH, CRUSTACEAN, AND PELAGICS 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	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

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

**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: 808 973-2937

**RIN:** 0648-AP54
**418. RESUBMISSION OF SUSTAINABLE FISHERIES ACT AMENDMENT BOTTOMFISH, CRUSTACEANS, AND PELAGICS, AND PRECIOUS CORALS 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	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	12/00/02	

**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: 808 973-2937

**RIN:** 0648-AP55
**419. ATLANTIC SURFLCLAM 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 Surfclam and Ocean Quahog Fisheries would describe gear impacts on essential fish habitat, revise the surfclam overfishing definition, establish multiyear quotas, and add/revise other measures.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment Period End	04/00/03	

**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-AP57
**420. SPINY DOGFISH FISHERY; AMENDMENT 1**
**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 1 to the Spiny Dogfish Fishery Management Plan would revise the rebuilding plan and management measures for spiny dogfish.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

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

**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-AP58
**421. 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

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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	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**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

#### 422. RULEMAKING TO 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:** NPRM, Statutory, November 2001.  
Final, Statutory, January 2002.

**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	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

**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: 808 973-2937

**RIN:** 0648-AP61

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

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

**Unfunded Mandates:** Undetermined

**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 proposed rule 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	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

**RIN:** 0648-AP66

#### 424. ● 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:** NPRM, Statutory, August 2002.  
Final, Statutory, December 2002.

**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	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	09/00/02	
Final Action	12/00/02	
Final Action Effective	01/00/03	

**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

#### 425. ● AMENDMENT 69 TO THE BSAI FMP - AFA CO-OP LEASING

**Priority:** Routine and Frequent

**Legal Authority:** 16 USC 1801 et seq;  
16 USC 773 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 rulemaking would amend the Fishery Management Plan

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for the Groundfish Fishery of the Bering Sea Aleutian Islands Area (BSAI) (Amendment 69) to allow American Fisheries Act inshore pollock co-operatives to contract with inshore catcher vessel members of other co-operatives for the purpose of harvesting the co-operative's BSAI pollock allocation.

This rulemaking would alter the AFA inshore co-operative structure. The change would allow one inshore co-operative to contract with members of another inshore co-operative to harvest a portion of the first co-operative's BSAI pollock allocation. This is currently not allowed, since only members of a given co-operative are allowed to harvest any portion of that co-operative's allocation. Co-operatives are concerned that they might not be able to achieve a full harvest of their pollock allocation under some conditions in any given year. This amendment would result in a structure that would better ensure that co-operatives are able to harvest all of their allocation.

**Timetable:**

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

**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-AP71

#### 426. ● FULL RETENTION OF DEMERSAL SHELF ROCKFISH IN GULF OF ALASKA AREA 650

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This action would require full retention of demersal shelf rockfish (DSR) in the hook-and-line fisheries in the GOA, 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 SEO be retained, landed, weighed and reported. The amount of DSR that could be sold would be limited to an amount no more than 10 percent of other retained catch. With respect to DSR in excess of that 10 percent limit, fishermen would be allowed to voluntarily surrender the fish to the State of Alaska, retain it for personal use, donate it to a State-recognized charity, use it for bait, or any combination of the above.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
Final Action	07/00/02	

**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  
Phone: 907 586-7221  
Fax: 907 586-7249

**RIN:** 0648-AP73

#### 427. ● 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 high

seas areas outside the Convention Area; prohibit the import of *Dissostichus* species issued a Specially Validated *Dissostichus* Catch Document (SVDCD); and 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 eleginoides* (Patagonian toothfish) and *Dissostichus mawsoni* (Antarctic toothfish) 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	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	07/00/02	
Final Action	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Robin Tuttle, Foreign Affairs Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-2282  
Email: robin.tuttle@noaa.gov

**RIN:** 0648-AP74

#### 428. ● AMENDMENT 60 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 679

**Legal Deadline:** None

**Abstract:** This Amendment is intended to protect the depressed king and Tanner crab stocks in Cook Inlet by minimizing bycatch and the mortality of such bycatch. Prohibiting non-pelagic trawl operations will protect this habitat and promote the rebuilding of the crab resources in the Cook Inlet portion of the GOA.

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## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
Final Action	08/00/02	

**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-AP79

**429. • SUSPENSION OF THE TEXAS CLOSURE IN ACCORDANCE WITH 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 Rule must be published 30 days after the end of the comment period on the NPRM.

**Abstract:** The Gulf of Mexico Fishery Management Council (Council) annually reviews the benefits of continuing the Cooperative Texas Closure, which prohibits shrimping in the exclusive economic zone (EEZ) off Texas between May 15 and July 15 each year. At its January 2002 meeting the Council received substantial public testimony regarding the economic impacts imposed by other State-mandated closures off Texas, which would be exacerbated by an additional closure of the EEZ off Texas. Plus, there is an apparent surplus of large shrimp in cold storage. Therefore, the Council concluded it was unnecessary to defer harvest with a closure until the shrimp reach a larger size. The Council voted to recommend that the National Marine Fisheries Service (NMFS) suspend, via proposed and final rule, the closure to shrimp trawling in the EEZ off Texas for one season to allow the industry to harvest smaller shrimp.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

Action	Date	FR Cite
NPRM Comment	05/00/02	
Period End		
Final Action	06/00/02	
Final Action Effective	07/00/02	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AP82

**430. • AMENDMENT 10 TO THE COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 660

Legal Deadline: None

**Abstract:** This action implements Amendment 10 to the Coastal Pelagic Species Fishery Management Plan, which sets conditions by which Federal fishing permits can be transferred from one person to another. This amendment will also include a maximum sustainable yield for market squid.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment	08/00/02	
Period End		

**Regulatory Flexibility Analysis**

Required: Yes

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-AP87

**431. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); 2002 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 2002 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	FR Cite
NPRM	05/00/02	

**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-AP90

**432. 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

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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	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gene Nitta, 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

**433. NORTH ATLANTIC WHALE PROTECTION**

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

**Unfunded Mandates:** Undetermined

**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	FR Cite
ANPRM	01/04/00	65 FR 270
ANPRM Comment Period End	03/06/00	
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

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

Email: trevor.spradlin@noaa.gov

**RIN:** 0648-AM85

**434. DESIGNATED CRITICAL HABITAT: PROPOSED CRITICAL HABITAT FOR NORTHERN CALIFORNIA STEELHEAD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1533

**CFR Citation:** 50 CFR 226

**Legal Deadline:** Final, Statutory, June 7, 2001.

**Abstract:** On June 7, 2000, NMFS listed the Northern California steelhead evolutionarily significant unit of steelhead as threatened under the Endangered Species Act. NMFS will now designate critical habitat for these steelhead.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Kellie Carter, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910  
Phone: 301 713-1401  
Email: kellie.f.carter@noaa.gov

**RIN:** 0648-AO04

**435. 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	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Terri Jordan, 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

**436. CAPTIVE STELLER SEA LIONS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531-1543; subpart B, 3223.12; 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	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jennifer Lyn Skidmore, Knauss Sea Grant Fellow, 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

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

**Priority:** Other Significant

**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

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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	FR Cite
ANPRM	11/05/01	66 FR 55909
ANPRM Comment Period End	12/05/01	
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Agency Contact:** Simona Perry Roberts, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Room 13727, Silver Spring, MD 20910

Phone: 301 713-2322

Fax: 301 713-0376

Email: simona.roberts@noaa.gov

**RIN:** 0648-AP62

#### 438. ● 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 proposed rule 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	FR Cite
NPRM	05/00/02	
Interim Final Rule	07/00/02	

**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

Fax: 978 281-9394

**RIN:** 0648-AP81

#### 439. ● TAKING AND IMPORTING MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO OIL AND GAS STRUCTURE REMOVAL ACTIVITIES IN THE GULF OF MEXICO

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 216

**Legal Deadline:** None

**Abstract:** NMFS is proposing to issue regulations authorizing and governing the taking of bottlenose and spotted dolphins incidental to the removal of oil and gas drilling and production structures in state waters and on the Outer Continental Shelf (OCS) in the Gulf of Mexico for a period not to exceed 1 year. The incidental taking of small numbers of marine mammals is authorized by the Marine Mammal Protection Act (MMPA), if certain findings are made and regulations are issued that include requirements for monitoring and reporting. Previous regulations were issued for these same activities in 1995 and expired in November 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Simona Perry Roberts, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Room 13727, Silver Spring, MD 20910

Phone: 301 713-2322

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**RIN:** 0648-AP83

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

#### 440. 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	FR Cite
NPRM	12/00/02	

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Armor, 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

## Department of Commerce (DOC)

## Final Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

## 441. REGULATORY AMENDMENT TO ALLOCATE PACIFIC HALIBUT TO THE CHARTER BOAT FLEET

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

**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	FR Cite
NPRM	01/28/02	67 FR 3867
NPRM Comment Period End	02/27/02	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228

**RIN:** 0648-AK17

## 442. ADJUSTMENT OF THE MANAGEMENT PROGRAM FOR PRECIOUS CORALS FISHERIES IN THE WESTERN PACIFIC

**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 regulation would modify the management program for the fisheries for precious corals in the western Pacific region. In response to new information on changes that may occur in the fishery, possible changes to the management program include the establishment of or adjustments to fishing seasons, permit requirements, quotas, closures, area limitations, gear, coral size restrictions, and fishery-dependent data reporting requirements, etc.

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/00	65 FR 53646
NPRM Comment Period End	10/05/00	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**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: 808 973-2937

**RIN:** 0648-AK23

## 443. 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) management plans (FMPs), FMP amendments and implementing regulations for the Atlantic Ocean, Gulf of Mexico and Caribbean Sea in response to recent

amendments to the Magnuson-Stevens Fishery Management Act.

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/97	62 FR 48990
NPRM Comment Period End	10/15/97	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov

**RIN:** 0648-AK40

## 444. AMENDMENT 54 TO FMP FOR GROUND FISH FISHERY OF BERING SEA AND ALEUTIAN ISLANDS AREA AND AMENDMENT 54 TO FMP FOR GROUND FISH OF GULF OF ALASKA

**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 the end of NPRM comment period.

**Abstract:** These FMP amendments would change sablefish use limits from percentages to quota share units; add a leasing provision to allow initial recipients of quota shares to lease 10 percent of their individual fishing quota pooled across all areas, with an option to restrict this allowance to the Bering Sea; and modify plan language to allow an individual who holds an initial allocation of quota share to hire a skipper to fish individual IFQ on a collectively owned vessel.

**Timetable:**

Action	Date	FR Cite
NPRM	10/12/01	66 FR 52090

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## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	11/26/01	
Final Action	05/00/02	

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

**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228

**RIN:** 0648-AK70**445. CRAB COMMUNITY DEVELOPMENT QUOTA RESERVES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This regulatory amendment would specify crab community development quota reserves by calendar year.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/01	66 FR 38626
NPRM Comment Period End	08/24/01	
Final Action	05/00/02	

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

**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228

**RIN:** 0648-AL92**446. AMENDMENT 67 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND THE ALEUTIAN ISLANDS AREA****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:** Amendment 67 will establish gear and Pacific cod species endorsements. This requires an additional species/gear endorsement on the License Limitation Program license of fishermen who wish to fish for Pacific cod with fixed gear.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/01	66 FR 49908
NPRM Comment Period End	11/15/01	
Final Action	08/00/02	

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

**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228

**RIN:** 0648-AM40**447. PROHIBIT USE OF SET NET GEAR TO HARVEST GROUND FISH IN CERTAIN PORTIONS OF THE EXCLUSIVE ECONOMIC ZONE WATERS SEAWARD OF CALIFORNIA****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 rule would prohibit the use of set net gear to take groundfish species in a portion of the exclusive economic zone (EEZ) seaward of California. This rule has been requested by the Pacific Fishery Management Council (Council) under procedures in the Pacific Groundfish Fishery Management Plan (FMP) that allow for implementing Federal regulations to conform to State regulations for the groundfish fishery in selected circumstances. The Council has determined that the State regulations prohibiting the use of set net gear used to take groundfish species in certain areas are consistent with the FMP and requested Federal adoption of consistent regulations in the EEZ. The conformance with State regulations is

desired to ensure consistent application of conservation and management measures and enforcement in the EEZ and in State waters to the extent practicable.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/00	65 FR 31871
NPRM Comment Period End	06/19/00	
Comment Period Extended	07/05/00	65 FR 41426
Final Action	05/00/02	
Final Action Effective	06/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**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-AN03**448. ATLANTIC HIGHLY MIGRATORY SPECIES FISHERIES; MANAGEMENT OF THE ATLANTIC BLUE MARLIN AND WHITE MARLIN RECREATIONAL FISHERIES****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 International Commission for the Conservation of Atlantic Tuna recommended that the United States limit annual recreational landings of Atlantic blue marlin and white marlin to 250 marlin, combined, for 2001 and 2002. NMFS may consider an adjustment of the minimum size, as well as management measure to enhance reporting of non-tournament landings to comply with the ICCAT framework provisions of Amendment 1 to the Atlantic Billfish Fishery Management Plan.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/09/00	65 FR 48671
ANPRM Comment Period End	09/25/00	
NPRM	12/26/01	66 FR 66386

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Action	Date	FR Cite
NPRM Comment Period End	02/25/02	
Final Action	05/00/02	

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

**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov

RIN: 0648-AN06

**449. 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**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679

**Legal Deadline:** Other, Statutory, American Fisheries Act requires regulatory implementation prior to January 2000.

**Abstract:** This rule would implement: (1) permitting requirements for AFA pollock catcher vessels, catcher vessel cooperatives, c/p motherships, and shoreside processors; (2) new pollock allocation regime for allocations to catcher vessel cooperatives; (3) new recordkeeping and reporting requirements for vessels and processors; (4) new restrictions on participation of AFA pollock vessels in non-pollock fisheries; and (5) restrictions on ability of AFA pollock processors to process non-pollock groundfish and crab species from the Bering Sea and Gulf of Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/01	66 FR 65028
NPRM Comment Period End	01/31/02	
Final Action	05/00/02	

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

**Agency Contact:** James L. Balsiger, Regional Administrator, Alaska Region,

NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802  
Phone: 907 586-7228

RIN: 0648-AN55

**450. GENERIC AMENDMENT ADDRESSING THE ESTABLISHMENT OF THE TORTUGAS MARINE RESERVES UNDER THE FISHERY MANAGEMENT PLANS OF THE GULF OF MEXICO**

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

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

**Abstract:** The Generic Tortugas Amendment would amend the Gulf of Mexico Fishery Management Council's fishery management plans to establish the portion of the Tortugas North ecological reserve that falls within the Gulf of Mexico EEZ and to establish the Tortugas South Ecological Reserve, which resides entirely within the EEZ and includes Riley's Hump (a fish spawning aggregation site). Fishing for any species, including Atlantic highly migratory species, would be prohibited within these marine reserves. Additionally, anchoring by fishing vessels would be prohibited within the marine reserves. Along with regulations issued by the Florida Keys National Marine Sanctuary (under NOAA's National Ocean Service), the Generic Tortugas Amendment would protect unique and valuable reef resources.

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/02	67 FR 5749
NPRM Comment Period End	03/25/02	
Final Action	05/00/02	

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

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AN83

**451. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE GOLDEN CRAB FISHERY OFF THE SOUTHERN ATLANTIC STATES (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 3 would: (1) extend the use of cable for main lines through December 31, 2002; (2) require that escape panel or doors on traps must measure at least 11 7/8 inches by 11 7/8 inches; (3) remove the 5,000-pound harvest requirement for renewing the biannual permit; (4) allow up to a 20 percent increase in vessel size from the vessel size on the original permit; (5) create a subzone within the southern zone for smaller vessels, as agreed to by the affected fishermen; (6) allow two new vessels to be permitted to fish only in the northern zone; (7) specify MSY, OY, and status determination criteria; and (8) modify the FMP framework procedure to allow modifications to the subzone.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/01	66 FR 59221
NPRM Comment Period End	01/11/02	
Final Action	05/00/02	

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

**Agency Contact:** Joseph Powers, Acting 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: 727 570-5301

RIN: 0648-AO23

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**452. REGULATORY AMENDMENT TO MODIFY THE MANAGEMENT PROGRAM FOR THE WESTERN PACIFIC PELAGIC FISHERIES TO MITIGATE THE TAKE OF SEABIRDS****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 regulatory action implements the terms and conditions of a biological opinion on the effects of the continued operation of the Hawaii-based longline fishery on the short-tailed albatross, and seabird mitigation measures proposed by the Western Pacific Fishery Management Council. All operators of vessels registered for use under Hawaii pelagic longline limited access permits will be required to use specific bird mitigation techniques when fishing with pelagic longline gear north of 23 degrees N. latitude; all vessel operators and owners must annually attend a protected species workshop conducted by NMFS; and all hooked or entangled sea birds, including the endangered short-tailed albatross, must be released in a manner that maximizes their post-release survival.

**Timetable:**

Action	Date	FR Cite
NPRM	07/05/00	65 FR 41424
NPRM Comment Period End	08/21/00	
Final Action	05/00/02	

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

**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: 808 973-2937

**RIN:** 0648-AO35**453. ATLANTIC HIGHLY MIGRATORY SPECIES; SWORDFISH QUOTAS AND FISHING AREAS****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 rulemaking would implement several recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) in November 2000. These recommendations include a ban on the importation of bigeye tuna from non-members Belize, Honduras, Cambodia, and St. Vincent and the Grenadines, and ICCAT member Equatorial Guinea, the development of statistical document programs for swordfish and bigeye tuna to monitor harvests and assist in the collection of trade data, the establishment of a 400 metric ton conservation reserve for North Atlantic swordfish and the establishment of a 2001 catch limit for South Atlantic swordfish, consistent with catch limits in recent years. This rule would also clarify authorized fishing areas for highly migratory species in the Atlantic Ocean.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/01	66 FR 57409
NPRM Comment Period End	12/31/01	
Final Action	05/00/02	

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

**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov

**RIN:** 0648-AO93**454. AMERICAN LOBSTER; MODIFY MANAGEMENT MEASURES, HISTORICAL PARTICIPATION****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 (EEZ) in response to recommendations from the Atlantic States Marine Fisheries Commission (ASMFC) to NMFS in Addendum II to Amendment 3 of the Interstate Fishery Management Plan for American Lobster (ISFMP). Addendum II, approved by the ASMFC on February 1, 2001, revises the Amendment 3 egg production schedule in each of seven lobster conservation management areas (LCMAs) to end overfishing of American lobster stocks by the end of 2008. The management measures defined in Addendum II to meet the egg production targets include a series of minimum gauge size increases (increases in the minimum allowable harvest size of American lobster) in five of the seven LCMAs, trap gear modifications, and a 4-year trap reduction schedule for LCMA 3.

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/02	67 FR 282
Comment Period Extended	01/31/02	67 FR 4697
NPRM Comment Period End	02/19/02	
Final Action	05/00/02	

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

**Additional Information:** The Proposed Rule and extension of comment period was published under RIN 0648-AP15.

**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

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**455. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC MACKEREL****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** NPRM, Statutory, July 2002.

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

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

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/02	
Final Action Effective	07/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**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-AP43**456. 2002-2003 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 2002.

**Abstract:** The annual management measures for the 2002-2003 fishing year

specify allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selective fisheries, and in-season notice procedures.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

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

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

**RIN:** 0648-AP52**457. SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES; FRAMEWORK 3****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:** Framework 3 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries would revise the overfishing definition for summer flounder.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	
Final Action Effective	01/00/03	

**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-AP56**458. ATLANTIC BLUEFISH FISHERY; SPECIFICATIONS FOR FISHING YEAR 2002****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 the Atlantic bluefish total allowable landings, commercial quota, recreational harvest limit, and management measures for the exclusive economic zone for fishing year 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	03/13/02	67 FR 11276
NPRM Comment Period End	03/28/02	
Final Action	05/00/02	

**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-AP59**459. • INTERIM FINAL RULE TO PROTECT NORTHEAST MULTISPECIES GROUND FISH STOCKS****Priority:** Other Significant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** NMFS is planning to take interim action to protect Gulf of Maine (GOM) cod and other stocks under ongoing rebuilding efforts under the Northeast Multispecies Fishery Management Plan (FMP). This action would implement measures for the 2002 fishing year, beginning May 1, 2002, to reduce overfishing. The most recent scientific information indicates that reductions in fishing mortality are needed for GOM cod and haddock, white hake, American Plaice, redfish, Georges Bank (GB) cod, and Cape Cod, Southern New England, and Mid-

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Atlantic yellowtail flounders. This action would continue the Western GOM (WGOM) closed area, which is scheduled currently to re-open to commercial fishing on May 1, 2002, and revise other GOM closed areas. This action would also revise the GOM cod trip limit; restrict days-at-sea (DAS) use for all limited access multispecies permit holders; eliminate the large-mesh vessel permit category; implement restrictions for the recreational and charter/party fisheries; and increase observer coverage.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/02	
Interim Final Rule Effective	07/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** 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-AP78**460. • PACIFIC HALIBUT FISHERIES CATCH SHARING PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 773c**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The proposed changes to the Pacific Halibut Catch Sharing Plan for Area 2A would adjust the management of the sport fishery for halibut in Puget Sound, Washington, and adjust the halibut possession limit for Oregon anglers. Sport fishing seasons for 2002 are proposed to implement the Catch Sharing Plan based on the expected total allowable catch in 2002 as established by the International Pacific Halibut Commission.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/02	67 FR 6220
NPRM Comment Period End	02/22/02	
Final Action	06/00/02	

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

**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-AP80**461. • EMERGENCY INTERIM RULE IMPOSING ADDITIONAL RESTRICTIONS IN THE HAWAII-BASED LONGLINE FISHERY****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

**Abstract:** This rule would implement emergency measures that would prohibit longline fishing north of 26 N. latitude and prohibit the landing of more than 10 swordfish per trip by Hawaii-based longline vessels. The trip limit is intended to provide further disincentive for targeting swordfish in the fishery.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/02	

**Regulatory Flexibility Analysis Required:** No**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: 808 973-2937

**RIN:** 0648-AP84**462. • EMERGENCY RULE TO IMPLEMENT 2002 PACIFIC WHITING SPECIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 660**Legal Deadline:** None

**Abstract:** This emergency rulemaking would implement the final specifications for Pacific whiting in the Pacific coast groundfish fishery prior to the April 1, 2002, start of the major whiting fishery. These specifications include the level of acceptable biological catch and the optimum yield, as well as the sector-specific and tribal fishery allocations which are computed using previously adopted rates.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/02	

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

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

**RIN:** 0648-AP85**463. • PACIFIC TUNA FISHERIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 955**CFR Citation:** 50 CFR 300**Legal Deadline:** None

**Abstract:** This action would announce harvest limits and associated fishery management measures to carry out recommendations of the IATTC that have been approved by the U.S. Department of State. The United States is a member of the IATTC, and NMFS (on behalf of the Secretary of Commerce) implements management recommendations pursuant to the Tuna Conventions Act of 1950. Procedures for announcing harvest quotas and associated management measures are set forth at 50 CFR part 300 subpart C.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/02	

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

**Agency Contact:** Svein Fougner, Assistant Regional Administrator for

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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-AP86

#### 464. • ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC SARDINE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 660

**Legal Deadline:** Final, Statutory, January 1, 2003, 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 Fishery Management Plan (FMP). This harvest guideline has been calculated according to the regulations implementing the Coastal Pelagic Species FMP and establishes allowable harvest levels for Pacific sardine off the Pacific coast.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**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-AP88

#### 465. • ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); REGULATORY ADJUSTMENTS; NOAA INFORMATION COLLECTION REQUIREMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 622

**Legal Deadline:** None

**Abstract:** This rule corrects authorized gear table (IX) at 50 CFR 600.725(v) by restating the existing table at 50 CFR 635.21(d), for which notice and comment has taken place. This rule also corrects the cross-references in several parts to regulations that have since been removed, and it updates the table in 15 CFR 902.1(b) to add new OMB approvals and to correct control number references to the appropriate CFR part or section.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/02	

**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-AP89

#### 466. INTERAGENCY POLICY ON THE PRESCRIPTION OF FISHWAYS UNDER SECTION 18 OF THE FEDERAL POWER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 742; 16 USC 661 et seq; 16 USC 791a et seq; 16 USC et 1531 et seq; 16 USC 811 et seq; ...

**CFR Citation:** 18 CFR 385.713

**Legal Deadline:** None

**Abstract:** This rulemaking invites public comment on proposed internal policy for the U.S. Fish and Wildlife Service and National Marine Fisheries Service (the Services) regarding the prescription of fishways pursuant to section 18 of the Federal Power Act for non-Federal hydropower projects licensed by the Federal Energy Regulatory Commission (FERC). The

proposed policy is intended to set forth the definition of fishways in accordance with the 1992 National Energy Policy Act and the procedures for the prescription of fishways. The policy does not introduce new procedures but standardizes current practices and existing procedures for providing fishway prescriptions.

**Timetable:**

Action	Date	FR Cite
Notice	12/22/00	65 FR 80898
Notice Comment Period End	02/20/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathryn Conant, Habitat Specialist, NMFS, Office of Habitat Conservation, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-2325

Fax: 301 713-1043

Email: kathryn.conant@noaa.gov

**RIN:** 0648-AO70

#### 467. POLICY FOR REVIEW OF MANDATORY CONDITIONS DEVELOPED BY THE DEPARTMENTS OF THE INTERIOR AND COMMERCE IN THE CONTEXT OF HYDROPOWER LICENSING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 791a et seq; 16 USC 811; 16 USC 797(e); 16 USC 8251(b)

**CFR Citation:** 18 CFR 385.713

**Legal Deadline:** None

**Abstract:** The Department of the Interior and the Department of Commerce (Departments) have formalized a process for public review of and comment on mandatory conditions and prescriptions the Departments develop for inclusion in hydropower licenses issued by the Federal Energy Regulatory Commission pursuant to part I of the Federal Power Act. This policy provides an opportunity for public comment on the Departments' mandatory conditions and prescriptions for both the traditional licensing process and the alternative licensing process.

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**Timetable:**

Action	Date	FR Cite
Notice	12/13/00	65 FR 77889
Notice Comment Period End	01/03/01	
Final Action	05/00/02	

**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, Habitat Specialist, NMFS, Office of Habitat Conservation, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910

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Fax: 301 713-1043

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RIN: 0648-AO84

**468. ● ENDANGERED SPECIES; TRANSFERRING PERMITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531**CFR Citation:** 50 CFR 224; 50 CFR 223; 50 CFR 222**Legal Deadline:** None

**Abstract:** This proposed action will allow NMFS to transfer certain permits issued under 10 (a) of the Endangered Species Act (the Act) of 1973. This proposed rule will parallel a rule previously adopted by the U.S. Fish and Wildlife Service pertaining to assignability of permits under the Act issued by that agency. Without the implementation of this action, applicants will have to apply for new permits as property is sold to a new entity, thus increasing the burden on the applicant and NMFS. If NMFS can transfer permits, this would eliminate the need for increased burden on the applicant and NMFS.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/01	66 FR 65873
NPRM Comment Period End	02/04/02	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lamont Jackson, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, 1315 East-West Highway, Silver Spring, MD 20910

Phone: 301 713-1401

RIN: 0648-AP64

**469. ● 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 would require 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	FR Cite
ANPRM	10/03/01	66 FR 50390
ANPRM Comment Period End	11/02/01	
NPRM	11/28/01	66 FR 59394

Action	Date	FR Cite
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	06/00/02	

**Regulatory Flexibility Analysis**

Required: Yes

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:**

Undetermined

**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-AP68

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended	08/22/01	66 FR 44109
NPRM Comment Period End	09/04/01	
Comment Period Extended	11/02/01	
Final Action	10/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

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**Agency Contact:** Gene Nitta, 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

#### 471. 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. 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	FR Cite
NPRM	06/13/00	65 FR 37102
Final Action	06/00/02	

**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

Email: margaret.lorenz@noaa.gov

**RIN:** 0648-AL91

#### 472. RULEMAKING FOR THE INCIDENTAL TAKING OF MARINE MAMMALS DURING WORLDWIDE DEPLOYMENT OF THE U.S. NAVY'S LOW FREQUENCY ACTIVE SONAR

**Priority:** Other Significant

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

**CFR Citation:** 50 CFR 216.101

**Legal Deadline:** None

**Abstract:** NMFS has received an application from the U.S. Navy for

authorization to take marine mammals incidental to the worldwide deployment of its new low frequency active sonar system. The U.S. Navy anticipates deployment of up to 4 shipboard systems within the next 5 years. This authorization can be granted under the Marine Mammal Protection Act provided the taking of marine mammals is incidental, is having no more than a negligible impact on small numbers of marine mammals and is not having an unmitigatable impact on Arctic subsistence needs. If an authorization is granted, monitoring and reporting takings will be required.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/22/99	64 FR 57026
NPRM	03/19/01	66 FR 15375
NPRM Comment Period End	05/31/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

Phone: 301 713-2055

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**RIN:** 0648-AM62

#### 473. SEA TURTLE CONSERVATION REGULATIONS; SUMMER FLOUNDER FISHERY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 223; 50 CFR 222

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service intends to amend the Turtle Excluder Device (TED) requirements for summer flounder trawlers at 50 CFR 223.206(d)(2)(iii). The rule change would require the use of a TED extension with a hard TED. The extension could not be more than 3.5-inch stretched mesh. The extension could extend not more than 24 inches and not less than 36 inches in front of and behind the TED. New information came to light over the winter and during TED testing in June

1999 that TED installation in larger mesh results in many turtle captures and deaths. The fishery will begin at the beginning of October, and many preventable sea turtle deaths would occur if the rule is not in place before then. Bringing the rule into effect during the course of the fishery would also be disruptive to the fishermen. The rule is not significant and the cost to the fishermen for compliance will be minimal: less than \$20 for materials and about 2 hours to reinstall the TED (many fishermen already reinstall their TEDs on an annual basis).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/15/99	64 FR 55860
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

**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-AM89

#### 474. SEA TURTLE CONSERVATION REGULATIONS; SHRIMP FISHERY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 223

**Legal Deadline:** None

**Abstract:** NMFS issues this rule to make technical changes to the requirements for turtle excluder devices (TEDs) to increase their effectiveness. In particular, NMFS is considering increasing the size of TED escape openings to allow larger turtles to escape. The options NMFS is currently considering are: Requiring the leatherback opening with a minimum 32-inch grid in all areas (71-inch opening), or requiring a 35-inch by 16-inch opening with a minimum 30-inch grid in all areas. In addition, NMFS is considering other modifications to the TED regulations, including modifying or decertifying hooped hard TEDs and weedless TEDs, changing the requirements for the types of flotation devices allowed, and extending the requirement to have a short flap and

## DOC—NOAA

## Final Rule Stage

grid angle of no greater than 45 degrees on bottom opening TEDs (other than TEDs equipped with the leatherback opening) to all areas in the U.S. Gulf of Mexico and the Southeast U.S. Atlantic. NMFS is also considering modifications to the leatherback contingency plan (50 CFR 223.206(d)(2)(iv)) to provide better protection to leatherback turtles.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/05/00	65 FR 17852
ANPRM Comment Period End	05/05/00	
NPRM	10/02/01	66 FR 50148
NPRM Comment Period End	11/16/01	
Comment Period Extended	02/15/02	
Final Action	10/00/02	

**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-AN62

**475. TAKING OF THE COOK INLET, ALASKA, STOCK OF BELUGA WHALES BY ALASKA NATIVES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1371

**CFR Citation:** 50 CFR 216

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/00	65 FR 59164
NPRM Comment Period End	11/27/00	
Final Action	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Tribal, Federal

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

Phone: 301 713-2055

Fax: 301 713-4060

Email: tom.eagle@noaa.gov

**RIN:** 0648-AO16

**476. • SEA TURTLE CONSERVATION REGULATIONS; FISHERY ACTIVITIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 50 CFR 223

**Legal Deadline:** None

**Abstract:** NMFS is enacting a seasonally adjusted closure of the Mid-Atlantic Exclusive Economic Zone (EEZ) waters to fishing with gillnets with a mesh size larger than 8 inch (20.3 cm) stretched mesh. The purpose of this action is to reduce the impact of the large-mesh gillnet fisheries on endangered and threatened species of sea turtles primarily from the monkfish fishery which has previously demonstrated a high sea turtle bycatch and mortality rate. The closure areas and times are as follows: waters north of 33 degrees 51.0' N (North Carolina/South Carolina border at the coast) and south of 35 degrees 46.0' N (Oregon Inlet) are closed at all times; waters north of 35 degrees 46.0' N (Oregon Inlet) and south of 36 degrees 22.5' N (Currituck Beach Light, NC) are closed from March 16 through January 14; waters north of 36 degrees 22.5' N (Currituck Beach Light, NC) and south of 37 degrees 34.6' N (Wachapreague Inlet, VA) are closed from April 1 through January 14; waters north of 37 degrees 34.6' N (Wachapreague Inlet, VA) and south of 37 degrees 56.0' N (Chincoteague, VA) are closed from April 16 through January 14; waters north of 37 degrees 56.0' N (Chincoteague, VA) will not be affected by this rule. NMFS also intends to publish a permanent rule establishing seasonal closures and is seeking comments on this proposal. In addition, NMFS is requesting comments on the

need to consider restrictions on smaller gillnet mesh sizes in the permanent rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/02	

**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-AP91

**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****477. NATURAL RESOURCE DAMAGE ASSESSMENT 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	FR Cite
NPRM	07/31/01	66 FR 39464
Final Action	09/00/02	

**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

## 478. FISHING CAPACITY REDUCTION PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 600

## Timetable:

Action	Date	FR Cite
NPRM	02/11/99	64 FR 6869
Interim Final Rule	05/18/00	65 FR 31430

Next Action Undetermined

## Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Michael L. Grable

Phone: 301 713-2390

Email: michael.grable@noaa.gov

RIN: 0648-AK76

## 479. AMENDMENT 13 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 648

## Timetable:

Action	Date	FR Cite
NPRM	05/00/03	
NPRM Comment	06/00/03	

Period End

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Patricia Kurkul

Phone: 978 281-9200

RIN: 0648-AN17

## 480. AMENDMENT 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 648

## Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Patricia Kurkul

Phone: 978 281-9200

RIN: 0648-AN19

## 481. AMENDMENT 14 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 648

## Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Patricia Kurkul

Phone: 978 281-9200

RIN: 0648-AN20

## 482. AMENDMENT 14 TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 648

## Timetable:

Action	Date	FR Cite
NPRM	05/00/03	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: State,

Federal

Agency Contact: Patricia Kurkul

Phone: 978 281-9200

RIN: 0648-AO55

## 483. SEA TURTLE CONSERVATION REGULATIONS; FISHERY ACTIVITIES (TEDS)

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 223

## Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/01	66 FR 24287

Next Action Undetermined

## Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Therese Conant

Phone: 301 713-1431

Fax: 301 713-0376

RIN: 0648-AP16

## 484. ● SEA TURTLE CONSERVATION REGULATIONS; FISHERY ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 223

Legal Deadline: None

**Abstract:** NMFS intends to close waters of Pamlico Sound, North Carolina, to fishing with gillnets with a mesh size larger than 4-1/4 inches (10.8 cm) stretched mesh, from September 15 through December 15. The closed area includes all inshore waters of Pamlico Sound south of 35 degrees 46.3' N. lat., north of 35 degrees 00' N. lat., and east of 76 degrees 30' W. long. The large mesh gill net fishery in Pamlico Sound has been shown to capture and kill numerous endangered and threatened sea turtles during their fall migration.

## Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/28/01	
Interim Final Rule	10/03/01	66 FR 50350

Next Action Undetermined

## Regulatory Flexibility Analysis

Required: 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-AP63

## 485. 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	FR Cite
Interim Final Rule	07/18/97	62 FR 38479

Next Action Undetermined

## Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Kellie Carter

Phone: 301 713-1401

## DOC—NOAA

## Long-Term Actions

Email: kellie.f.carter@noaa.gov

RIN: 0648-AJ91

**486. PACIFIC OFFSHORE CETACEAN TAKE REDUCTION PLAN**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 229

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/24/01	66 FR 44549

Next Action Undetermined

**Regulatory Flexibility Analysis**

Required: Yes

Government Levels Affected: None

Agency Contact: Patricia Lawson

Phone: 301 713-2322

Email: patricia.lawson@noaa.gov

RIN: 0648-AL70

**NATIONAL OCEAN SERVICE/OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT****487. INTERAGENCY CONSULTATION FOR THE NATIONAL MARINE SANCTUARY PROGRAM**

Priority: Other Significant

CFR Citation: 15 CFR 922

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Helen Golde

Phone: 301 713-3145

RIN: 0648-AL06

**488. INSTALLING AND MAINTAINING COMMERCIAL SUBMARINE CABLES IN NATIONAL MARINE SANCTUARIES**

Priority: Substantive, Nonsignificant

CFR Citation: 15 CFR 922

**Timetable:**

Action	Date	FR Cite
ANPRM	08/23/00	65 FR 51264

Action	Date	FR Cite
ANPRM Comment	10/23/00	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Helen Golde

Phone: 301 713-3145

RIN: 0648-AO36

**OFFICE OF THE ADMINISTRATOR****489. 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)

**490. FISHERY MANAGEMENT PLAN FOR TILEFISH**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 648

**Completed:**

Reason	Date	FR Cite
Final Action	09/26/01	66 FR 49136
Final Action Effective	11/01/01	

**Regulatory Flexibility Analysis**

Required: Yes

Government Levels Affected: State,

Federal

Agency Contact: Patricia Kurkul

Phone: 978 281-9200

RIN: 0648-AF87

**491. GUIDELINES FOR THE DESCRIPTION, IDENTIFICATION, CONSERVATION, AND ENHANCEMENT OF ESSENTIAL FISH HABITAT**

Priority: Other Significant

CFR Citation: 50 CFR 600

**Completed:**

Reason	Date	FR Cite
Final Action	01/17/02	67 FR 2343

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Rolland Schmitten

Phone: 301 713-2325

Fax: 301 713-1043

Email: rolland.schmitt@noaa.gov

RIN: 0648-AJ30

**492. REGULATORY AMENDMENT TO UPDATE REGULATIONS GOVERNING THE OPERATION OF REGIONAL FISHERY MANAGEMENT COUNCILS**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 600

**Completed:**

Reason	Date	FR Cite
Final Action	11/19/01	66 FR 57885

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Bruce C. Morehead

Phone: 301 713-2334

Email: bruce.morehead@noaa.gov

RIN: 0648-AJ82

## DOC—NOAA

## Completed Actions

**493. REGULATORY AMENDMENT TO PROHIBIT VESSELS OVER 50 FEET FROM FISHING FOR PELAGIC MANAGEMENT UNIT SPECIES WITHIN 50 NAUTICAL MILES OF AMERICAN SAMOA**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 660

**Completed:**

Reason	Date	FR Cite
Final Action	01/30/02	67 FR 4369
Final Action Effective	03/01/02	

**Regulatory Flexibility Analysis**

Required: Yes

Government Levels Affected: None

Agency Contact: Charles Karnella  
Phone: 808 973-2937

RIN: 0648-AL41

**494. AMENDMENT 6 - DEFINITION OF OVERFISHING FOR SALMON FISHERIES OFF ALASKA**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 679

**Completed:**

Reason	Date	FR Cite
NPRM	10/05/01	66 FR 51001
Final Action	01/09/02	67 FR 1163

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: James L. Balsiger  
Phone: 907 586-7228

RIN: 0648-AL98

**495. STELLER SEA LION CONSERVATION MEASURES FOR THE BSAI AND GOA POLLOCK FISHERIES**

Priority: Other Significant

CFR Citation: 50 CFR 679

**Completed:**

Reason	Date	FR Cite
Emergency Interim Final Rule (Effective 01/20/2000 to 07/19/2000)	01/25/00	65 FR 3892
Emergency Final Rule Effective Date Extended to 12/31/2000	06/12/00	65 FR 36795

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: James L. Balsiger  
Phone: 907 586-7228

RIN: 0648-AM32

**496. AMERICAN FISHERIES ACT REGULATIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 679

**Completed:**

Reason	Date	FR Cite
Extension of Emergency Interim Rule	07/10/01	66 FR 35911
Emergency Interim Rule Comment Period End	08/09/01	
Emergency Interim Rule End	01/14/02	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: James L. Balsiger  
Phone: 907 586-7228

RIN: 0648-AO14

**497. REVISIONS TO RECORDKEEPING AND REPORTING REQUIREMENTS FOR 2001**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 679

**Completed:**

Reason	Date	FR Cite
Final Action	01/28/02	67 FR 4099

**Regulatory Flexibility Analysis**

Required: Yes

Government Levels Affected: None

Agency Contact: James L. Balsiger  
Phone: 907 586-7228

RIN: 0648-AO20

**498. 2001 QUOTAS FOR PURSE SEINE FISHERIES IN THE EASTERN PACIFIC**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 300

**Completed:**

Reason	Date	FR Cite
Final Action Effective	10/28/01	
Final Action	11/06/01	66 FR 56038

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Svein Fougner  
Phone: 562 980-4040

RIN: 0648-AO48

**499. PACIFIC COAST GROUND FISH FISHERY; ANNOUNCEMENT OF THE 2002 GROUND FISH FISHERY SPECIFICATIONS AND MANAGEMENT MEASURES**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 660

**Completed:**

Reason	Date	FR Cite
NPRM	01/11/02	67 FR 1555
Interim Final Rule	01/11/02	67 FR 1540
Interim Final Rule Effective	01/28/02	67 FR 3820
Correction	02/19/02	67 FR 7289
Final Action	03/07/02	67 FR 10490

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Tribal, Federal

Agency Contact: Donna Darm  
Phone: 206 526-6150

RIN: 0648-AO69

**500. CONTINUE CLOSURE OF TWO MID-ATLANTIC AREAS TO SCALLOP FISHING**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 648

**Completed:**

Reason	Date	FR Cite
Interim Final Rule	02/09/01	66 FR 9678
Interim Final Rule Effective	03/02/01	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Patricia Kurkul  
Phone: 978 281-9200

RIN: 0648-AO71

**501. ATLANTIC HIGHLY MIGRATORY SPECIES; PELAGIC LONGLINE FISHERY; GEAR REQUIREMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 635

**Completed:**

Reason	Date	FR Cite
Interim Final Rule	03/30/01	66 FR 17370
Interim Final Rule Comment Period End	04/30/01	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

## DOC—NOAA

## Completed Actions

**Agency Contact:** Bruce C. Morehead  
Phone: 301 713-2334  
Email: bruce.morehead@noaa.gov

**RIN:** 0648—AO76

**502. STELLER SEA LION PROTECTION MEASURES FOR GROUND FISH FISHERIES OFF ALASKA; REASONABLE AND PRUDENT ALTERNATIVE UNDER NOVEMBER 30 BIOLOGICAL OPINION ON ALASKA GROUND FISH FISHERIES**

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

**CFR Citation:** 50 CFR 679

**Completed:**

Reason	Date	FR Cite
Emergency Interim Rule	06/13/01	66 FR 31845
Amended	06/13/01	66 FR 31845
Emergency Interim Rule Comment Period Extended	07/17/01	66 FR 37167
Emergency Interim Rule End	12/31/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James L. Balsiger  
Phone: 907 586-7228

**RIN:** 0648—AO82

**503. ANNOUNCEMENT OF THE OPTIMUM YIELD AND HARVEST LIMIT FOR PACIFIC SARDINES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 660

**Completed:**

Reason	Date	FR Cite
Final Action	12/27/01	66 FR 66811

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Svein Fougner  
Phone: 562 980-4040

**RIN:** 0648—AP00

**504. SPECIFICATIONS FOR THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERIES FOR FISHING YEAR 2002**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 648

**Completed:**

Reason	Date	FR Cite
NPRM	11/20/01	66 FR 58097
Final Action	12/26/01	66 FR 66348
Correction	01/23/02	67 FR 3126

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Patricia Kurkul  
Phone: 978 281-9200

**RIN:** 0648—AP06

**505. SPECIFICATIONS FOR THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES FOR FISHING YEAR 2002**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 648

**Completed:**

Reason	Date	FR Cite
NPRM	10/23/01	66 FR 53575
Final Action	01/25/02	67 FR 3623

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Patricia Kurkul  
Phone: 978 281-9200

**RIN:** 0648—AP08

**506. SPECIFICATIONS FOR THE ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES FOR FISHING YEAR 2002**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 648

**Completed:**

Reason	Date	FR Cite
NPRM	10/24/01	66 FR 53770
Final Action Effective	01/16/02	
Final Action	01/22/02	67 FR 2824

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Patricia Kurkul  
Phone: 978 281-9200

**RIN:** 0648—AP09

**507. ESTABLISH MEASURES TO ADDRESS THE IMMINENT RAPID INCREASE IN LANDINGS AND TO HALT OVERFISHING IN THE ATLANTIC RED CRAB FISHERY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 648

**Completed:**

Reason	Date	FR Cite
Emergency Interim Rule	11/13/01	66 FR 56781
Emergency Interim Rule Effective	11/15/01	
Emergency Interim Rule End	05/14/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patricia Kurkul  
Phone: 978 281-9200

**RIN:** 0648—AP10

**508. IMPLEMENTATION OF THE SHARK FINNING PROHIBITION ACT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 600

**Completed:**

Reason	Date	FR Cite
Final Action	02/11/02	67 FR 6194
Final Action Effective	02/13/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Svein Fougner  
Phone: 562 980-4040

**RIN:** 0648—AP21

**509. WESTERN PACIFIC PELAGICS FISHERIES; HAWAII-BASED PELAGIC LONGLINE RESTRICTIONS AND SEASONAL AREA CLOSURE, SEA TURTLE AND SEA BIRD MITIGATION MEASURES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 50 CFR 660

**Completed:**

Reason	Date	FR Cite
Emergency Interim Rule	12/10/01	66 FR 63630
Emergency Interim Rule End	06/08/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Karnella  
Phone: 808 973-2937

**RIN:** 0648—AP24

## DOC—NOAA

## Completed Actions

**510. EXTENSION OF ATLANTIC HIGHLY MIGRATORY SPECIES (HMS); PERMIT CATEGORY DEADLINE****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 635**Completed:**

Reason	Date	FR Cite
Interim Final Rule	05/31/01	66 FR 29510

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Bruce C. Morehead

Phone: 301 713-2334

Email: bruce.morehead@noaa.gov

**RIN:** 0648-AP29**511. EXTENSION OF IMPLEMENTATION DATE OF THE YEAR 4 DEFAULT MANAGEMENT MEASURES FOR SMALL-MESH MULTISPECIES (WHITING, RED HAKE AND OFFSHORE HAKE)****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

Reason	Date	FR Cite
Final Action	02/05/02	67 FR 5241
Final Action Effective	03/07/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul

Phone: 978 281-9200

**RIN:** 0648-AP32**512. STATUS REVIEW OF GULF OF MAINE/BAY OF FUNDY POPULATION OF HARBOR PORPOISE UNDER THE ESA****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 424; 50 CFR 223; 50 CFR 224**Completed:**

Reason	Date	FR Cite
Final Action	10/19/01	66 FR 53195

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Emily E. Hanson

Phone: 301 713-2322

Fax: 301 713-4060

Email: emily.hanson@noaa.gov

**RIN:** 0648-AP33**513. ELIGIBILITY CRITERIA AND DEFINITIONS FOR WESTERN PACIFIC COMMUNITY DEVELOPMENT PROGRAMS AND WESTERN PACIFIC DEMONSTRATION PROJECTS****Priority:** Substantive, Nonsignificant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Final Action	04/16/02	67 FR 18512

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Robert Ziobro

Phone: 301 713-2239

**RIN:** 0648-AP36**514. ANNUAL SPECIFICATIONS FOR THE ATLANTIC HERRING FISHERY FOR FISHING YEAR 2002****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

Reason	Date	FR Cite
NPRM	10/29/01	66 FR 54498
Final Action	01/24/02	67 FR 3442

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul

Phone: 978 281-9200

**RIN:** 0648-AP37**515. FRAMEWORK 1 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 648**Completed:**

Reason	Date	FR Cite
Final Action	01/24/02	67 FR 3445
Final Action Effective	01/24/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia Kurkul

Phone: 978 281-9200

**RIN:** 0648-AP44**516. TAKING AND IMPORTING MARINE MAMMALS; TAKING MARINE MAMMALS INCIDENTAL TO ROCKET LAUNCHES AT VANDENBERG AIR FORCE BASE, CA****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 216**Completed:**

Reason	Date	FR Cite
Final Action	01/22/02	67 FR 2820
Final Action Effective	01/25/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Simona Perry Roberts

Phone: 301 713-2322

Fax: 301 713-0376

Email: simona.roberts@noaa.gov

**RIN:** 0648-AP47**517. • REGULATORY AMENDMENT TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 648**Legal Deadline:** None

**Abstract:** This regulatory amendment would establish cut-off dates for commercial summer flounder, scup, and black sea bass landings to be used in developing final adjusted quotas for these fisheries. The proposed action is needed to provide State marine fisheries agencies with the ability to appropriately manage these fishery resources by establishing final quota allocations prior to the start of the fishing year. In addition, this action would enable fishermen targeting these resources to intelligently prepare for the upcoming fishing year. This regulatory amendment would also remove the regulatory language found at 50 CFR 648.100(d), 648.120(c), and 648.140(c) that specifies publication dates for annual summer flounder, scup, and black sea bass fishing measures. These dates have proven to be misleading because there is no corresponding schedule for submission of annual specifications by the Mid-Atlantic Fisheries Management Council (Council).

**Timetable:**

Action	Date	FR Cite
NPRM	12/13/01	66 FR 64392

## DOC—NOAA

## Completed Actions

Action	Date	FR Cite
NPRM Comment Period End	12/27/01	
Final Action	02/14/02	67 FR 6877
Final Action Effective	02/14/02	

**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-AP65

### 518. • EMERGENCY RULE TO IMPLEMENT STELLER SEA LION PROTECTION MEASURES AND HARVEST SPECIFICATIONS FOR 2002 FOR THE ALEUTIAN ISLANDS, BERING SEA AND GULF OF ALASKA GROUND FISH FISHERIES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 679**Legal Deadline:** None

**Abstract:** This EIR would implement Steller sea lion protection measures to avoid the likelihood that the groundfish fisheries off Alaska would jeopardize the continued existence of the western population of Steller sea lions or adversely modify its critical habitat. These management measures dispersed fishing effort over time and area and provided protection for fisheries competition for prey in waters adjacent to rookeries and important haulouts. Management measures contained in this EIR are substantially different from previous measures based on new information regarding Steller sea lion foraging behavior. This rulemaking will also announce the final 2002 harvest specifications and associated management measures for the groundfish fisheries of the BSAI management area and the GOA. Steller sea lion management measures for seasons, rollovers, and critical habitat harvest limits are incorporated into the harvest specifications making the harvest specification for 2002 significantly different from harvest specification in 2001. The combining of these actions into one EIR is necessary to ensure the Steller sea lion protection measures are effective January 1, 2001,

and NMFS is in compliance with the ESA and the Magnuson-Stevens Act.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	01/01/02	
Final Action	01/08/02	67 FR 956

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local, Tribal, 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-AP69

### 519. • ATLANTIC HIGHLY MIGRATORY SPECIES; LARGE AND SMALL COASTAL SHARKS; COMMERCIAL MANAGEMENT MEASURES

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

**Abstract:** This interim final rule implements commercial quota levels for large and small coastal shark at 1,285 metric tons (mt) dressed weight (dw) and 1,760 mt dw, respectively. The quota level for large coastal sharks is based on the results of an independent review of the 1998 large coastal shark stock assessment that was conducted as part of a court-approved settlement agreement and is pending a new large coastal shark stock assessment and its review. The quota level for small coastal sharks, consistent with the court-approved settlement agreement, is pending a new small coastal shark stock assessment. The new stock assessments are anticipated to be completed in early 2002.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/28/01	66 FR 67118
Correction	02/22/02	67 FR 8211

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

**Agency Contact:** Bruce C. Morehead, Acting 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: bruce.morehead@noaa.gov

RIN: 0648-AP70

### 520. • REGULATIONS RELATING TO DISCLOSURE OF INFORMATION AND EMPLOYEE TESTIMONY IN LITIGATION; REMOVAL OF OBSOLETE REGULATIONS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 15 USC 1501; 15 USC 1512; 15 USC 1513; 15 USC 1518; 44 USC 3101**CFR Citation:** 15 CFR 909**Legal Deadline:** None

**Abstract:** NOAA issues this final rule to remove provisions from its internal conduct regulations codified at 15 CFR part 909. This part is removed because it has been superseded by other regulations.

**Timetable:**

Action	Date	FR Cite
Final Action	02/20/02	67 FR 7611

**Regulatory Flexibility Analysis**

Required: No

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

**Agency Contact:** Glenn E. Tallia, Senior Counselor for Atmospheric and Space Services and Research, NOAA, GC, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA GCW, 1315 East-West Highway, Room 15861, Silver Spring, MD 20910  
Phone: 301 713-1337  
Fax: 301 713-1494

RIN: 0648-AP77

### 521. IMPLEMENTATION OF 1997 MMPA AMENDMENTS AFFECTING YELLOWFIN TUNA PURSE SEINE FISHING IN THE EASTERN TROPICAL PACIFIC

**Priority:** Other Significant**CFR Citation:** 50 CFR 216.24

## DOC—NOAA

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	02/15/02	67 FR 7134

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal**Agency Contact:** Nicole LeBoeuf  
Phone: 301 713-2322**Related RIN:** Merged With 0648-AG36**RIN:** 0648-AI85**522. SEA TURTLE CONSERVATION REGULATIONS; FISHERIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 223**Completed:**

Reason	Date	FR Cite
Final Action	12/31/01	66 FR 67495

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Therese Conant  
Phone: 301 713-1431  
Fax: 301 713-0376**RIN:** 0648-AN64**523. RULE FOR GEAR MODIFICATIONS TO THE ATLANTIC LARGE WHALE TAKE REDUCTION PLAN****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 216**Completed:**

Reason	Date	FR Cite
NPRM	10/01/01	66 FR 49896
Final Action	01/10/02	67 FR 1300

**Regulatory Flexibility Analysis**

Required: Yes

**Government Levels Affected:** None**Agency Contact:** Patricia Lawson  
Phone: 301 713-2322  
Email: patricia.lawson@noaa.gov**RIN:** 0648-AN88**524. ENDANGERED AND THREATENED SPECIES; TAKE OF FOUR THREATENED EVOLUTIONARILY SIGNIFICANT UNITS OF WEST COAST SALMON****Priority:** Other Significant**CFR Citation:** 50 CFR 223**Completed:**

Reason	Date	FR Cite
Final Action	01/09/02	67 FR 1116

**Regulatory Flexibility Analysis**

Required: Yes

**Government Levels Affected:** State, Tribal, Federal, Local**Agency Contact:** Kellie Carter  
Phone: 301 713-1401  
Email: kellie.f.carter@noaa.gov**RIN:** 0648-AP17**525. 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	FR Cite
NPRM	10/02/01	66 FR 50160
Final Action	01/09/02	67 FR 1133

**Regulatory Flexibility Analysis**

Required: Yes

**Government Levels Affected:** None**Agency Contact:** Patricia Lawson  
Phone: 301 713-2322  
Email: patricia.lawson@noaa.gov**RIN:** 0648-AP48**526. • SEA TURTLE CONSERVATION; SHRIMP TRAWLING REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 223**Legal Deadline:** None

**Abstract:** NMFS intends to close for 30 days all Atlantic offshore waters within 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded on the south by 28 degrees N. lat. and on the north by 30 degrees 42'45.6" N. lat. (the Georgia-Florida border) to fishing by shrimp trawlers required to have a TED installed in each net that is rigged for fishing, unless the TED installed has an escape opening large enough to exclude leatherback turtles. This action is necessary to protect endangered and threatened sea turtles.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	12/14/01	
Final Action	12/20/01	66 FR 65658

**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-AP75**527. FLORIDA KEYS NATIONAL MARINE SANCTUARY; TORTUGAS ECOLOGICAL RESERVE****Priority:** Other Significant**CFR Citation:** 15 CFR 922 et seq**Completed:**

Reason	Date	FR Cite
Final Rule	03/08/01	66 FR 16120
Final Rule Effective	03/08/01	

**Regulatory Flexibility Analysis**

Required: Yes

**Government Levels Affected:** State, Federal**Agency Contact:** Billy Causey  
Phone: 305 743-2437**RIN:** 0648-AO18**528. REVISIONS TO ANCHORING PROHIBITIONS IN FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY****Priority:** Substantive, Nonsignificant**CFR Citation:** 15 CFR 922**Completed:**

Reason	Date	FR Cite
Final Action	11/21/01	66 FR 58370

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** G. P. Schmahl  
Phone: 979 779-2705**RIN:** 0648-AP22

## Department of Commerce (DOC)

Final Rule Stage

## National Telecommunications and Information Administration (NTIA)

**529. MANDATORY REIMBURSEMENT RULES FOR RELOCATION OF FEDERAL SPECTRUM****Priority:** Other Significant**Legal Authority:** 47 USC sec 921 et seq; PL 105-261; 112 Stat/1920(1998); 47 USC sec 923(g)**CFR Citation:** 47 CFR 301**Legal Deadline:** None**Abstract:** The National Defense Authorization Act requires successful bidders of auctions of Federal spectrum to compensate the Federal incumbent users for the marginal costs associated with the relocation of a Federal station. This mandatory reimbursement applies to the 20MHz of spectrum identified for

reallocation under the Balanced Budget Act of 1997, the 1710-1755MHz band identified under the Omnibus Budget Reconciliation Act of 1993, and future allocations. The National Defense Authorization Act requires NTIA to develop reimbursement procedures which are to include a process for resolving differences between the Federal Government and commercial licensees regarding estimates of relocation or modification costs. This NPRM sets forth those rules. Final rules are expected in the fall of 2001.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	01/18/01 05/00/02	66 FR 4771

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Milton Brown, Deputy Chief Counsel, Department of Commerce, National Telecommunications and Information Administration, HCHB Room 4713, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Phone: 202 482-1816

Fax: 202 501-8013

Email: mbrown@ntia.doc.gov

**RIN:** 0660-AA14

## Department of Commerce (DOC)

Proposed Rule Stage

## Patent and Trademark Office (PTO)

**530. RULES OF PRACTICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES IN APPEALS UNDER 35 U.S.C. 134****Priority:** Substantive, Nonsignificant**Legal Authority:** 35 USC 2(B)(2); 35 USC 6; 35 USC 134**CFR Citation:** 37 CFR 1.14; 37 CFR 1.191 to 1.198; 37 CFR 1.959 to 1.981**Legal Deadline:** None**Abstract:** The United States Patent and Trademark Office proposes to amend its rules of patent appellate practice to simplify proceedings and to reflect changes in recent legislation.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	

**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: 703 305-9797

Fax: 703 308-7953

Email: jeffrey.nase@uspto.gov

**RIN:** 0651-AB27**531. CHANGES IN RULES OF PRACTICE FOR PATENT INTERFERENCES AND RELATED PROCEEDINGS****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 31; 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 will revise its rules of practice in patent interferences to simplify the process and to increase its flexibility and efficiency.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Richard Torczon, Administrative Patent Judge, Department of Commerce, Patent and Trademark Office, Box Interference, Washington, DC 20231

Phone: 703 308-9797

Fax: 703 305-0942

Email: interference.rules@uspto.gov

**RIN:** 0651-AB32**532. DEVELOPMENT OF PLAN TO REMOVE PATENT AND TRADEMARK CLASSIFIED PAPER FILES FROM PUBLIC SEARCH FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-113; 35 USC 41(i)(1); ...**CFR Citation:** None**Legal Deadline:** None**Abstract:** Public comment is being sought on issues associated with the development of a plan to remove the patent and trademark classified paper files from the United States Patent and Trademark Office's public search facilities and replace them with electronic records. Issues of particular interest to the agency include, but are not limited to, measures required to ensure the integrity of electronic records, the comparable functionality for searching and retrieving information from electronic records, and the disposition of the paper files.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Martha Crockett Sneed, Manager, Public Search Services Division, Department of Commerce,

## DOC—PTO

## Proposed Rule Stage

Patent and Trademark Office, Office of the CIO, Washington, DC 20231  
Phone: 703 308-5558  
Fax: 703 306-2662  
Email: martha.sneed@uspto.gov

**RIN:** 0651-AB34

### 533. • REVISION OF PATENT AND TRADEMARK FEES FOR FISCAL YEAR 2003

**Priority:** Routine and Frequent

**Legal Authority:** 35 USC 41; 15 USC 1115; 35 USC 1051; 15 USC 1113; 15 USC 1123; 35 USC 2(b)(2); 35 USC 376; PL 105-358; PL 106-113

**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

**Legal Deadline:** Final, Statutory, October 1, 2002, 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	FR Cite
NPRM	05/00/02	

**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-AB49

### 534. • CHANGES TO IMPROVE THE PATENT AND APPLICATION PROCESS

**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 revising the rules of practice to improve the patent application and examination process. For example, the Office is proposing: (1) changes to facilitate the filing of applications and subsequent papers by facsimile or electronic mail message over internet; (2) changes to the manner in which applicants bring pertinent information to the Office's attention and how the Office uses that information; (3) limitation on the number of claims that must be given a separate examination by the Office; (4) changes to allow the Office to

terminate proceedings or application if the applicant refuses to prosecute the application with reasonable diligence; and (5) changes that facilitate obtaining information from the applicant to aid in the examination process, such as what information is well known in the art, where support for a claim is found in the written description, what priority application provides support for each claim. 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	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr, Senior Patent Attorney, Department of Commerce, Patent and Trademark Office, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231  
Phone: 703 305-8850  
Fax: 703 305-6916  
Email: robert.bahr@uspto.gov

**RIN:** 0651-AB50

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

## Final Rule Stage

### 535. COMPLAINTS REGARDING INVENTION PROMOTERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 35 USC 2(b)(2); 35 USC 297; PL 106-113, sec 4001

**CFR Citation:** 37 CFR 4

**Legal Deadline:** None

**Abstract:** The Patent and Trademark Office (Office) has added rules of practice to implement the Office's procedures for accepting complaints under the Inventor's Rights Act of 1999. The Act requires the Office to provide a forum for publishing complaints concerning invention promoters.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/20/00	65 FR 3127

**Action**

Interim Final Rule Effective

01/28/00

Final Action

05/00/02

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William R. Covey, Associate Counsel for General Law, Department of Commerce, Patent and Trademark Office, Washington, DC 20231  
Phone: 703 308-2000  
Fax: 703 305-5907  
Email: william.covey@uspto.gov

**RIN:** 0651-AB12

### 536. 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

## DOC—PTO

## Final Rule Stage

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	FR Cite
NPRM	07/09/01	66 FR 35763
NPRM Comment Period End	09/07/01	
Final Action	09/00/02	

**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, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231  
Phone: 703 305-8850  
Fax: 703 305-6916  
Email: robert.bahr@uspto.gov

**RIN:** 0651-AB37

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

## Long-Term Actions

**537. CORRESPONDENCE FILED IN THE PATENT AND TRADEMARK OFFICE****Priority:** Info./Admin./Other**CFR Citation:** 37 CFR 1.1**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Michael Briskin  
Phone: 703 308-2000  
Fax: 703 305-5907  
Email: michael.briskin@uspto.gov

**RIN:** 0651-AB17**538. ELECTRONIC SUBMISSION OF APPLICATION FOR TRADEMARK REGISTRATION AND OTHER DOCUMENTS****Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 1.4; 37 CFR 2.21; 37 CFR 2.56; 37 CFR 2.76; 37 CFR 2.88 to 2.89; 37 CFR 2.161; 37 CFR 2.166 to 2.168; ...

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Mary E. Hannon  
Phone: 703 308-8900  
Fax: 703 872-9280  
Email: mary.hannon@uspto.gov

**RIN:** 0651-AB31**539. CHANGES TO REPRESENTATION OF OTHERS BEFORE THE U.S. 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

**Agency Contact:** Harry I. Moatz  
Phone: 703 306-4097

**RIN:** 0651-AB38**540. MADRID PROTOCOL IMPLEMENTATION ACT RULES CHANGE****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Mary Hannon  
Phone: 703 308-8900  
Fax: 703 872-9280  
Email: mary.hannon@uspto.gov

**RIN:** 0651-AB45**541. PATENT AND TRADEMARK OFFICE ACQUISITION REGULATION****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Michael Anastasio  
Phone: 703 305-8014  
Fax: 703 305-5484  
Email: michael.anastasio@uspto.gov

**Related RIN:** Related To 0651-AB11**RIN:** 0651-AB46**542. • SURCHARGE FOR THE USE OF NON-ELECTRIC, PAPER FORMS FOR SUBMISSION OF APPLICATIONS FOR REGISTRATION AND OTHER DOCUMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1123; 35 USC 2**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office is proposing to amend its rules to require payment of a surcharge of \$50.00 whenever a party elects to make a submission using paper in place of an electronically transmittable form available through the Trademark Electronic Application System (TEAS). If a party submits a paper document to the Office and the TEAS system includes a form for preparing that document and transmitting it to the Office electronically, the fee for submitting the paper document will be fifty dollars more than the fee for submitting the equivalent electronic document.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Mary Hannon, Staff Attorney, Department of Commerce,

## DOC—PTO

## Long-Term Actions

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-AB47

#### 543. • AMENDMENT OF RULE REGARDING FILING OF TRADEMARK CORRESPONDENCE VIA EXPRESS MAIL

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 15 USC 1123; 35 USC  
2

**CFR Citation:** 37 CFR 1.10

**Legal Deadline:** None

**Abstract:** The United States Patent and Trademark Office is amending its rules to provide that correspondence received by the Office that was delivered by "Express Mail Post Office to Addressee" will no longer be considered to have been filed in the Office on the date of deposit with the United States Postal Service, unless the Trademark Electronic Application System ("TEAS") does not include a form for transmitting that correspondence.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary 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-AB48

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

## Completed Actions

#### 544. STANDARD FOR DECLARING A PATENT INTERFERENCE

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Comment Period End	02/28/01	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Richard Torczon  
Phone: 703 308-9797  
Fax: 703 305-0942  
Email: interference.rules@uspto.gov

RIN: 0651-AB29

#### 545. CHANGES TO THE TIME PERIOD FOR MAKING ANY NECESSARY DEPOSITS OF BIOLOGICAL MATERIALS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action	04/27/01	66 FR 21090
Final Action Effective	05/29/01	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert W. Bahr  
Phone: 703 305-9285  
Fax: 703 305-6916

RIN: 0651-AB33

#### 546. REVISION OF PATENT CORPORATION TREATY APPLICATION PROCEDURE

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action - Correction	05/22/01	66 FR 28053

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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RIN: 0651-AB35

#### 547. REQUIREMENTS FOR CLAIMING THE BENEFIT OF PRIOR-FILED APPLICATIONS UNDER EIGHTEEN- MONTH PUBLICATION OF PATENT APPLICATIONS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action	12/28/01	66 FR 67087
Final Action Effective	12/28/01	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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RIN: 0651-AB41

#### 548. TRADEMARK CLASSIFICATION; CHANGES TO COMPORT WITH OBLIGATIONS TO NICE AGREEMENT CONCERNING INTL CLASSIFICATION OF GOODS AND SERVICES FOR PURPOSES OF REGISTRATION OF MARKS OF JUNE 15, 1957, AS REVISED

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 6.1

**Completed:**

Reason	Date	FR Cite
Final Action	09/20/01	66 FR 48338
Final Action Effective	01/01/02	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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RIN: 0651-AB42

#### 549. REVISION OF THE TIME LIMIT FOR NATIONAL STAGE COMMENCEMENT IN THE UNITED STATES FOR PATENT COOPERATION TREATY APPLICATIONS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 37 CFR 1

## DOC—PTO

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	01/04/02	67 FR 520
Final Action Effective	04/01/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Bahr

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**RIN:** 0651-AB44**Department of Commerce (DOC)  
Technology Administration (TA)****Final Rule Stage****550. 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 issued to authorize the electronic reporting of inventions and the filing of provisional patent applications.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/14/95	60 FR 41811
Interim Final Rule Comment Period End	09/13/95	
NPRM	09/11/00	65 FR 54826
Final Action	06/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Karen Laney-Cummings, Acting Director, Technology Competitiveness, Department of Commerce, Technology Administration, 14th & Pennsylvania Ave. NW., Washington, DC 20230  
Phone: 202 482-2100  
Fax: 202 219-8667**RIN:** 0692-AA14**551. 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	FR Cite
Interim Final Rule	08/07/96	61 FR 40997
Interim Final Rule Effective	08/07/96	
Final Action	10/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** John H. Raubitschek, Patent Counsel, Department of Commerce, Technology Administration, HCHB Room 4613, 14th & Pennsylvania Avenue, NW., Washington, DC 20230  
Phone: 202 482-8010  
Fax: 202 273-0607  
Email: jraubits@doc.gov**RIN:** 0692-AA15**552. 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 contractors to assign their rights if they make an invention under a Cooperative Research and Development Agreement.**Timetable:**

Action	Date	FR Cite
NPRM	09/11/00	65 FR 54826
Final Rule	10/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** John H. Raubitschek, Patent Counsel, Department of Commerce, Technology Administration, HCHB Room 4613, 14th & Pennsylvania Avenue, NW., Washington, DC 20230  
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