

**DEPARTMENT OF COMMERCE****Office of the Secretary****13 CFR Ch. III****15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI****19 CFR Ch. III****37 CFR Chs. I, IV, and V****48 CFR Ch. 13****50 CFR Chs. II, III, IV, and VI****Fall 2021 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 (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 pre-rulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 2022 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or recently issued by Commerce. It is expected that this information will enable the public to participate more effectively in the Department’s regulatory process.

Commerce’s fall 2022 regulatory agenda includes regulatory activities that are expected to be conducted during the period November 1, 2022, through October 31, 2023.

**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 Candida Harty, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3410.

**SUPPLEMENTARY INFORMATION:** Commerce hereby publishes its fall 2022 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to

Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration. By memorandum of September 2, 2022, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2022 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

In this edition of Commerce’s regulatory agenda, a list of the most important significant regulatory and deregulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, Commerce’s entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark

Office issue the greatest share of Commerce’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 NMFS’ programs, an “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.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (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. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare and submit to NMFS Fishery Management Plans (FMPs) for the fisheries within their respective areas in the EEZ. Membership of these Councils is comprised of representatives of the commercial and recreational fishing sectors in addition to environmental, academic, and government interests. Council members are nominated by the governors and ultimately appointed by the Secretary of Commerce. The Councils are required by law to conduct public hearings on the development of FMPs and FMP amendments. Consistent with applicable law, environmental and other analyses are developed that consider alternatives to proposed actions.

Pursuant to the Magnuson-Stevens Act, the Councils also recommend actions to NMFS deemed necessary or appropriate to implement FMPs. The proposed regulations, FMPs, and FMP amendments are subject to review and approval by NMFS, based on consistency with the Magnuson-Stevens Act and other applicable law. 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.

Commerce’s fall 2022 regulatory agenda follows.

**Leslie Kiernan,**  
*General Counsel.*

## GENERAL ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
252 .....	Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures.	0605-AA60
253 .....	Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities.	0605-AA61

## GENERAL ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
254 .....	Securing the Information and Communications Technology and Services Supply Chain .....	0605-AA51

## INTERNATIONAL TRADE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
255 .....	Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord with Presidential Proclamation 10414.	0625-AB21

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
256 .....	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648-BG04
257 .....	Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management.	0648-BI10
258 .....	Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program.	0648-BL08
259 .....	Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit.	0648-BL42
260 .....	Revisions to Federal Regulations to Economic Data Reporting Requirements for Groundfish and Crab Fisheries off Alaska and Amendment 52 to the Fishery Management Plan for BSAI King and Tanner Crabs.	0648-BL50
261 .....	Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals .....	0648-BJ52

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
262 .....	Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act ( <b>Reg Plan Seq No. 17</b> ).	0648-BG11
263 .....	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels.	0648-BH70
264 .....	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood.	0648-BH87
265 .....	Atlantic Highly Migratory Species: Amendment 13 on Bluefin Tuna Management .....	0648-BI08
266 .....	Amendment 23 to the Northeast Multispecies Fishery Management Plan .....	0648-BK17
267 .....	2023–2024 Harvest Specifications and Management Measures for the Pacific Coast Groundfish Fishery ..	0648-BL48
268 .....	Amendment and Updates to the Pelagic Longline Take Reduction Plan .....	0648-BF90
269 .....	Designation of Critical Habitat for the Threatened Caribbean Corals .....	0648-BG26
270 .....	Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule ( <b>Reg Plan Seq No. 18</b> ) .....	0648-BI88
271 .....	Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act.	0648-BK04

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

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
272 .....	Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska .....	0648-BK31

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
273 .....	Comprehensive Fishery Management Plan for Puerto Rico, Comprehensive Fishery Management Plan for St. Croix, Comprehensive Fishery Management Plan for St. Thomas/St. John.	0648–BD32
274 .....	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648–BF41
275 .....	Establish National Insurance Requirements for Observer Providers .....	0648–BJ33
276 .....	Implementation of Resolutions C–21–04 and C–21–06 of the Inter-American Tropical Tuna Commission for Tropical Tuna and Silky Shark Conservation.	0648–BK84
277 .....	Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan .....	0648–BL12
278 .....	Atlantic Highly Migratory Species; Rule to Modify the Retention Limit of Shortfin Mako Sharks .....	0648–BL17
279 .....	Atlantic Large Whale Take Reduction Plan Modifications to Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast.	0648–BJ09

## PATENT AND TRADEMARK OFFICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
280 .....	Setting and Adjusting Trademark Fees ( <b>Reg Plan Seq No. 19</b> ) .....	0651–AD65

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

## PATENT AND TRADEMARK OFFICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
281 .....	Setting and Adjusting Patent Fees .....	0651–AD64

## PATENT AND TRADEMARK OFFICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
282 .....	Changes To Implement Provisions of the Trademark Modernization Act of 2020 .....	0651–AD55

## DEPARTMENT OF COMMERCE (DOC)

## General Administration (ADMIN)

## Proposed Rule Stage

**252. Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures [0605–AA60]**

*Legal Authority:* Not Yet Determined

*Abstract:* The Department is seeking public input regarding establishing a licensing process for entities to seek pre-approval before engaging in or continuing to engage in potentially regulated ICTS Transactions under the “Securing the Information and Communications Technology and Services Supply Chain” rule.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/29/21	86 FR 16312
ANPRM Comment Period End.	04/28/21	
NPRM .....	05/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Joseph Bartels, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, *Phone:* 202–482–1595, *Email:* jbartels@doc.gov.

*RIN:* 0605–AA60

**253. Taking Additional Steps To Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities [0605–AA61]**

*Legal Authority:* Not Yet Determined

*Abstract:* Executive Order 13984 of January 19, 2021, entitled Taking Additional Steps to Address the National Emergency with Respect to Significant Malicious Cyber-Enabled Activities (E.O. 13984), has directed the Secretary of Commerce (Secretary) to implement regulations that would govern the process and procedures that the Secretary will use to deter foreign malicious cyber actors’ use of United States Infrastructure as a Service (IaaS) products and assist in the investigation of transactions involving foreign malicious cyber actors.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	09/24/21	86 FR 53018
ANPRM Comment Period End.	10/25/21	
NPRM .....	06/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Joseph Bartels, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, *Phone:* 202–482–1595, *Email:* jbartels@doc.gov.

*RIN:* 0605–AA61

## DEPARTMENT OF COMMERCE (DOC)

## General Administration (ADMIN)

## Final Rule Stage

**254. Securing the Information and Communications Technology and Services Supply Chain [0605–AA51]**

*Legal Authority:* 50 U.S.C. 1701; 3 U.S.C. 301

*Abstract:* Pursuant to Executive Order 13873 of May 15, 2019, Securing the Information and Communications

Technology and Services Supply Chain,” (Executive Order) the Department of Commerce (the Department) is implementing the process and procedures that the Secretary of Commerce (Secretary) will use to identify, assess, and address transactions that pose an undue risk to the security, integrity, and reliability of information and communications technology and services provided and used in the United States.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/27/19	84 FR 65316
NPRM Comment Period End.	12/27/19	
Interim Final Rule	01/19/21	86 FR 4909
Interim Final Rule Comment Period End.	03/22/21	
Interim Final Rule Effective Date.	03/22/21	
Final Action .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Joseph Bartels, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, Phone: 202-482-1595, Email: jbartels@doc.gov.  
RIN: 0605-AA51

## DEPARTMENT OF COMMERCE (DOC)

### International Trade Administration (ITA)

#### Final Rule Stage

#### 255. • Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord With Presidential Proclamation 10414 [0625-AB21]

*Legal Authority:* Proc 10414, 87 FR 35067; 19 U.S.C. 1318

*Abstract:* In accordance with Presidential Proclamation 10414 and pursuant to its authority under Section 318(a) of the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is issuing this final rule to implement Proclamation 10414. Specifically, Commerce is issuing a new rule that, in the event of an affirmative preliminary or final determination in the antidumping and countervailing duty (AD/CVD) circumvention inquiries described below, under Title VII of the Act, extends the time for, and waives, the suspension of liquidation, the application of certain AD/CVD duties, and the collection of cash deposits on applicable entries of certain crystalline silicon photovoltaic cells, whether or not assembled into modules, that are

completed in the Kingdom of Cambodia (Cambodia), Malaysia, the Kingdom of Thailand (Thailand), and the Socialist Republic of Vietnam (Vietnam) using parts and components manufactured in the People’s Republic of China (China), and that are not already subject to an antidumping or countervailing duty order.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/01/22	87 FR 39426
NPRM Comment Period End.	08/01/22	
Final Action .....	09/16/22	87 FR 56868
Final Action Effective.	11/15/22	
Next Action Undetermined.	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Nikki Kalbing, Department of Commerce, International Trade Administration, Washington, DC 20230, Phone: 202-717-3147, Email: nikki.kalbing@trade.gov.  
RIN: 0625-AB21

## DEPARTMENT OF COMMERCE (DOC)

### National Oceanic and Atmospheric Administration (NOAA)

#### Proposed Rule Stage

#### National Marine Fisheries Service

#### 256. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty [0648-BG04]

*Legal Authority:* 16 U.S.C. 973 *et seq.*

*Abstract:* Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, Phone: 808 725-5000, Email: michael.tosatto@noaa.gov.  
RIN: 0648-BG04

#### 257. Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management [0648-BI10]

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* This rulemaking would address conducting research in areas currently closed to fishing for Atlantic highly migratory species (HMS)—during various times or by certain gear—to collect fishery-dependent data. A number of time/area closures or gear-restricted areas have been implemented over the years through various rulemakings, limiting fishing for Atlantic highly migratory species in those areas for a variety of reasons including reducing bycatch. These time/area closures have been implemented in consultation with the HMS Advisory Panel to protect species consistent with the Magnuson-Stevens Fisheries Conservation and Management Act (*e.g.*, to reduce bycatch in the pelagic longline fishery off the east coast of Florida), the Endangered Species Act (*e.g.*, to protect sea turtles in the North Atlantic), and the Atlantic Tunas Convention Act (*e.g.*, to protect spawning bluefin tuna in the Gulf of Mexico). Fishery-dependent data supports effective fisheries management, and areas that restrict fishing effort often have a commensurate decrease in fishery-dependent data collection. Programs to facilitate research and data collection, such as those that would be covered by this rulemaking, could assess the efficacy of closed areas, improve sustainable management of highly migratory species, and may provide benefits to commercial and recreational fishermen.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries,

Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, Phone: 301 427-8500, Email: [kelly.denit@noaa.gov](mailto:kelly.denit@noaa.gov).  
RIN: 0648-B110

**258. Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program [0648-BL08]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* In response to a recommendation by the North Pacific Fishery Management Council, this proposed action would implement Amendment 122 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, the Pacific cod Trawl Cooperative Program (PCTC Program) would allocate quota share (QS) to groundfish License Limitation Program (LLP) license holders based on the harvest of BSAI Pacific cod during qualifying years. This Program would also allocate QS to a processor permit holder based on processing history during the qualifying years. QS allocated under this program would yield an exclusive harvest privilege to members of a PCTC Program cooperative. The Council's intent in recommending Amendment 122 is to improve the prosecution of the fishery by promoting safety and stability in the harvesting and processing sectors, increasing the value of the fishery, minimizing bycatch to the extent practicable, providing for the sustained participation of fishery dependent communities, and ensuring the sustainability and viability of the Pacific cod resource in the BSAI. The Council initiated action on this Limited Access Privilege Program (LAPP) in response to industry requests to address increasing inefficiency in the BSAI Pacific cod trawl catcher vessel sector by implementing a catch share program. Owners and operators of harvesters and processors that participate in the BSAI Pacific cod trawl fishery would be affected by this action. Section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the rulemaking authority. Section 303A of the MSA authorizes the creation of LAPPs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, Phone: 907 586-7638, Email: [jon.kurland@noaa.gov](mailto:jon.kurland@noaa.gov).  
RIN: 0648-BL08

**259. Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit [0648-BL42]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* In response to a recommendation by the North Pacific Fishery Management Council (Council), this proposed action would implement Amendment 123 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, this action would determine the BSAI Amendment 80 commercial groundfish trawl fleet's (A80) halibut prohibited species catch (PSC) limit annually based on the most recent values from surveys conducted by the Alaska Fisheries Science Center and the International Pacific Halibut Commission (IPHC). The Council's intent in recommending Amendment 123 is to link annual halibut PSC limits in the A80 fleet with estimated halibut abundance. The reason for the change being considered is that the current PSC limit, currently set as a fixed annual amount of 1,745 mt, becomes an increasingly larger proportion of total halibut removals in the BSAI when halibut abundance declines. Over the last 6 years, the Council and its advisory bodies, stakeholders, and the public have considered several approaches for a halibut abundance-based management (ABM) program consistent with Council fishery management objectives and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Public testimony on this action over the years has focused on two primary concerns. The first is the importance of providing flexibility to the A80 fleet to prosecute their quotas. The second is concern about the decline in the directed halibut fishery catch as a result of a decline in halibut abundance, compounded by fixed PSC limits that further reduce the proportion of halibut available to the directed halibut fisheries.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, Phone: 907 586-7638, Email: [jon.kurland@noaa.gov](mailto:jon.kurland@noaa.gov).  
RIN: 0648-BL42

**260. • Revisions to Federal Regulations to Economic Data Reporting Requirements for Groundfish and Crab Fisheries Off Alaska and Amendment 52 to the Fishery Management Plan for BSAI King and Tanner Crabs [0648-BL50]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* In response to a recommendation by the North Pacific Fishery Management Council (Council), this proposed action would implement Amendment 52 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and revise Federal regulations to economic data reporting (EDR) requirements for groundfish and crab fisheries off Alaska. If approved by the Secretary of Commerce and implemented by NMFS, this action would remove third party data verification audits and blind formatting requirements for the BSAI crab fisheries EDR, the Bering Sea American Fisheries Act (AFA) pollock fishery Chinook Salmon EDR, and the BSAI Amendment 80 fisheries EDR. This action would also eliminate the EDR requirements for the Gulf of Alaska (GOA) trawl fisheries. The EDRs provide information for program evaluation and analysis of proposed conservation and management measures. The third party data verification audits and blind formatting provisions require a higher standard of confidentiality for proprietary business information than apply to all other confidential fisheries information. These provisions have proven to reduce the usability of the data for analysis and to increase the cost of the data collection programs without providing additional practical protections. The GOA Trawl EDR program, implemented in 2015, was designed to collect baseline information to assess the impacts of a future catch share program. However, no catch share program for the GOA trawl fleet has been implemented to date. The Council initiated this action to improve the usability, efficiency, and consistency of

the data collection programs and minimize cost to industry and the Federal government while still maintaining the integrity and confidentiality of the data collection program. Owners and operators of harvesters and processors in the BSAI crab fisheries, the AFA pollock fishery, the Amendment 80 fisheries, and the GOA trawl fisheries would be affected by this action. Section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act is the rulemaking authority.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/01/22	87 FR 65724
NPRM Comment Period End.	12/01/22	
Final Action .....	01/00/23	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.

*RIN:* 0648-BL50

**261. Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals [0648-BJ52]**

*Legal Authority:* 16 U.S.C. 1531 *et seq.*

*Abstract:* On September 10, 2014, NMFS listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (*Acropora globiceps*, *Acropora jacquelineae*, *Acropora retusa*, *Acropora speciosa*, *Euphyllia paradivisa*, *Isopora crateriformis*, and *Seriatopora aculeata*). A separate proposed rule will designate critical habitat for the listed Caribbean coral species. The proposed designation may cover coral reef habitat around 13 island or atoll units in the Pacific Islands Region, including three in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and two in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. NMFS has contacted the Departments of the Navy, Air Force, and

Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information provided, we will determine whether to propose to exclude any areas based on national security impacts.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/27/20	85 FR 76262
NPRM Comment Period End.	01/26/21	
NPRM Comment Period Extended.	12/23/20	85 FR 83899
NPRM Comment Period Extended End.	02/25/21	
Second NPRM Comment Period Extended.	02/09/21	86 FR 8749
Second Extended Comment Period End.	03/27/21	
Third NPRM Comment Period Extended.	03/29/21	86 FR 16325
Third NPRM Comment Period Extended End.	05/26/21	
Second NPRM ....	06/00/23	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov.

*RIN:* 0648-BJ52

**DEPARTMENT OF COMMERCE (DOC)**

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

**National Marine Fisheries Service**

**262. Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act [0648-BG11]**

*Regulatory Plan:* This entry is Seq. No. 17 in part II of this issue of the **Federal Register**.

*RIN:* 0648-BG11

**263. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels [0648-BH70]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* The proposed action would implement a regulatory amendment to the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan to allow bottom trawl and midwater trawl vessels targeting non-whiting species the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the fleet.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/01/22	87 FR 11382
NPRM Comment Period End.	03/31/22	
Final Action .....	10/03/22	87 FR 59705
Final Action Effective.	11/02/22	
Next Action Undetermined.	12/00/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov.

*RIN:* 0648-BH70

**264. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood [0648-BH87]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*; Pub. L. 115-141

*Abstract:* On December 9, 2016, NMFS issued a final rule that established a risk-based traceability program to track seafood from harvest to entry into U.S. commerce. The final rule included, for designated priority fish species, import permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired and are properly represented. Shrimp and abalone products were included in the final rule

to implement the Seafood Import Monitoring Program, but compliance with Seafood Import Monitoring Program requirements for those species was stayed indefinitely due to the disparity between Federal reporting programs for domestic aquaculture of shrimp and abalone products relative to the requirements that would apply to imports under Seafood Import Monitoring Program. In section 539 of the Consolidated Appropriations Act, 2018, Congress mandated lifting the stay on inclusion of shrimp and abalone in Seafood Import Monitoring Program and authorized the Secretary of Commerce to require comparable reporting and recordkeeping requirements for domestic aquaculture of shrimp and abalone. This rulemaking would establish permitting, reporting and recordkeeping requirements for domestic producers of shrimp and abalone from the point of production to entry into commerce.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/11/18	83 FR 51426
NPRM Comment Period End.	11/26/18	
Final Action .....	03/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Alexa Cole, Director, Office of International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8286, *Email:* alexa.cole@noaa.gov.

*RIN:* 0648-BH87

**265. Atlantic Highly Migratory Species: Amendment 13 on Bluefin Tuna Management [0648-BI08]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*  
*Abstract:* NOAA/NMFS proposes to revise the management measures for Atlantic bluefin tuna fisheries. Potential management measures could include modifications to pelagic longline and purse seine fisheries as well as other bluefin tuna fisheries, which would increase flexibility for fishery participants.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/21/21	86 FR 27686
NPRM Comment Period End.	07/20/21	
NPRM Comment Period Extended.	07/20/21	86 FR 38262

Action	Date	FR Cite
NPRM Comment Period Extended.	09/09/21	
Final Action .....	10/03/22	87 FR 59966
Final Action Effective.	01/01/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov.

*RIN:* 0648-BI08

**266. Amendment 23 to the Northeast Multispecies Fishery Management Plan [0648-BK17]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* This action proposes measures recommended by the New England Fishery Management Council in Amendment 23 to the Northeast Multispecies Fishery Management Plan. The Council developed this action to implement measures to improve the reliability and accountability of catch reporting in the commercial groundfish fishery to ensure there is a precise and accurate representation of catch (landings and discards). The purpose of this action is to adjust the existing industry-funded monitoring program to improve accounting and accuracy of collected catch data. Specifically, this action would set a fixed target coverage rate as a percentage of fishing trips to replace the current annual method for calculating a coverage target. This action would exclude from the monitoring requirement all trips in geographic areas with low groundfish catch; allow for increased coverage when federal funding is available to reimburse industry's costs; set a baseline coverage target for which there is no reimbursement for industry's costs in the absence of federal funding; approve electronic monitoring technologies as an alternative to human at-sea monitors; require periodic evaluation of the monitoring program; allow for waivers from monitoring for good cause; and grant authority to the Northeast Regional Administrator to streamline industry's reporting requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/28/22	87 FR 11014
NPRM Comment Period End.	03/30/22	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.

*RIN:* 0648-BK17

**267. • 2023–2024 Harvest Specifications and Management Measures for the Pacific Coast Groundfish Fishery [0648-BL48]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* Every other year, the Pacific Fishery Management Council makes recommendations to set biennial allowable harvest levels for Pacific Coast groundfish, and recommends management measures for commercial, recreational, and tribal fisheries that are designed to achieve those harvest levels consistent with the Pacific Coast Groundfish Fishery Management Plan. For the 202324 biennium, the Pacific Fishery Management Council has recommended: Harvest specifications, including overfishing limits, acceptable biological catches, and annual catch limits; and Management measures to achieve those specifications. The specifications and management measures that would be forwarded by this action would be in effect from January 1, 2023, through December 31, 2024. The National Marine Fisheries Service (NMFS) would implement this rulemaking under the authority of the Magnuson Stevens Fishery Conservation and Management Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/14/22	87 FR 62676
NPRM Comment Period End.	11/14/22	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov.

*RIN:* 0648-BL48

**268. Amendment and Updates to the Pelagic Longline Take Reduction Plan [0648-BF90]**

*Legal Authority:* 16 U.S.C. 1361 *et seq.*

*Abstract:* Serious injury and mortality of the Western North Atlantic short-

fanned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action would examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/15/20	85 FR 81168
NPRM Comment Period End.	02/16/21	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427-8400, Email: kimberly.damon-randall@noaa.gov. RIN: 0648-BF90

**269. Designation of Critical Habitat for the Threatened Caribbean Corals [0648-BG26]**

*Legal Authority:* 16 U.S.C. 1531 *et seq.*

*Abstract:* NMFS listed 5 Caribbean corals as threatened under the Endangered Species Act on October 10, 2014. Critical habitat shall be designated to the maximum extent prudent and determinable at the time a species is proposed for listing (50 CFR 424.12). We concluded that critical habitat was not determinable for the 5 corals at the time of listing. However, we anticipated that critical habitat would be determinable in the future given on-going research. We, therefore, announced in the final listing rules that we would propose critical habitat in separate rulemakings. This rule proposes to designate critical habitat for the 5 Caribbean coral species listed in 2014. A separate proposed critical habitat rule is being prepared for the 15 Indo-Pacific corals listed as

threatened in 2014. The proposed designation for the Caribbean corals may include marine waters in Florida, Puerto Rico, US Virgin Islands, Navassa Island, and Flower Garden Banks containing essential features that support all stages of life history of the corals. The proposed rule is not likely to have an annual effect on the economy of \$100 million or more or adversely affect the economy. NMFS has contacted the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information provided, we concluded that there will be an impact on national security in only 1 area offshore Dania Beach, FL, and will propose to exclude it from the designations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/27/20	85 FR 76302
NPRM Comment Period End.	01/26/21	
Final Rule .....	06/00/23	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427-8400, Email: kimberly.damon-randall@noaa.gov. RIN: 0648-BG26

**270. Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule [0648-BI88]**

*Regulatory Plan:* This entry is Seq. No. 18 in part II of this issue of the **Federal Register**.

RIN: 0648-BI88

**271. Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act [0648-BK04]**

*Legal Authority:* 16 U.S.C. 1382 *et seq.*

*Abstract:* This rulemaking action under the Marine Mammal Protection Act (MMPA) proposes to establish mandatory time-area closures of Hawaiian spinner dolphins' essential daytime habitats at five selected sites in the Main Hawaiian Islands (MHI). In considering public comments in response to a separate proposed rule related to spinner dolphin interactions (81 FR 57854), NMFS intends these regulatory measures to prevent take of Hawaiian spinner dolphins from occurring in inshore marine areas at

essential daytime habitats, and where high levels of disturbance from human activities are most prevalent.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/28/21	86 FR 53844
NPRM Comment Period End.	12/27/21	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427-8400, Email: kimberly.damon-randall@noaa.gov. RIN: 0648-BK04

**DEPARTMENT OF COMMERCE (DOC)**

*National Oceanic and Atmospheric Administration (NOAA)*

Long-Term Actions

**National Marine Fisheries Service**

**272. Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska [0648-BK31]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* This action would modify the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska (FMP) and implement regulations to manage the EEZ waters of Cook Inlet under the FMP and prohibit commercial fishing for salmon in this area. Currently, this area is excluded from the FMP and the State of Alaska manages commercial fishing for salmon in this area. If approved, this action would result in all commercial salmon fishing in Cook Inlet occurring within waters of the State of Alaska under State management plans. The North Pacific Fishery Management Council (Council) determined that this action is consistent with the Council's longstanding policy to facilitate management of salmon fishing by the State of Alaska and that the State is the authority best suited for managing Alaska salmon fisheries given its existing infrastructure and expertise. The Council considered, but did not select, two other action alternatives that would delegate management of the Cook Inlet EEZ to the State of Alaska, or establish Council and NMFS management of the commercial salmon fishery within the area. The Council did not select either of these alternatives because the State of Alaska was



unwilling to accept delegation of management authority, and due to the substantial increase in management complexity and cost without corresponding benefits of both alternatives.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/04/21	86 FR 29977
NPRM Comment Period End.	07/06/21	
Final Action .....	11/03/21	86 FR 60568
Final Action Effective.	12/03/21	
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Jon Kurland, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.

*RIN:* 0648-BK31

## DEPARTMENT OF COMMERCE (DOC)

*National Oceanic and Atmospheric Administration (NOAA)*

Completed Actions

### 273. Comprehensive Fishery Management Plan for Puerto Rico, Comprehensive Fishery Management Plan for St. Croix, Comprehensive Fishery Management Plan for St. Thomas/St. John [0648-BD32]

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* In response to a recommendation of the Caribbean Fishery Management Council, this action would establish three new Fishery Management Plans (FMPs) (Puerto Rico FMP, St. Thomas/St. John FMP and St. Croix FMP) and repeal and replace the existing U.S. Caribbean-wide FMPs (the FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (USVI), the FMP for the Spiny Lobster Fishery of Puerto Rico and the USVI, the FMP for Queen Conch Resources of Puerto Rico and the USVI, and the FMP for the Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the USVI). For each of the Puerto Rico, St. Thomas/St. John, and St. Croix FMPs, the action would also modify the composition of the stocks to be managed; organize those stocks for effective management; establish status determination criteria, management reference points, and accountability measures for managed stocks; identify essential fish habitat for stocks new to management; and establish framework measures.

*Timetable:*

Action	Date	FR Cite
Notice of Availability.	06/26/20	85 FR 38350
Comment Period End.	08/25/20	
NPRM .....	05/19/22	87 FR 30730
NPRM Comment Period End.	06/21/22	
Final Action .....	09/13/22	87 FR 56204
Final Action Effective.	10/13/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Andrew J. Strelcheck, Acting Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Email:* andy.strelcheck@noaa.gov.

*RIN:* 0648-BD32

### 274. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories [0648-BF41]

*Legal Authority:* 16 U.S.C. 6901 *et seq.*

*Abstract:* This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the

Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
Withdrawn .....	09/09/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* michael.tosatto@noaa.gov.

*RIN:* 0648-BF41

### 275. Establish National Insurance Requirements for Observer Providers [0648-BJ33]

*Legal Authority:* 16 U.S.C. 1855(d)

*Abstract:* NMFS is proposing to establish uniform, nationally applicable minimum insurance requirements for companies that provide observer or at-sea monitor services for federally managed fisheries subject to monitoring requirements. This action would supersede outdated or inappropriate regulatory insurance requirements thereby easing the regulatory and cost burden for observer/at-sea monitor providers. Additionally, this action would mitigate potential liability risks associated with observer and at-sea monitor deployments for vessel owners and shore side processors that are subject to monitoring requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/22/21	86 FR 66259
NPRM Comment Period End.	01/21/22	
Final Action .....	09/08/22	87 FR 54902
Final Action Effective.	09/08/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Evan Howell, Director, Office of Science and Technology, National Marine Fisheries Service, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West

Highway, Silver Spring, MD 20910,  
Phone: 301 427-8100, Email:  
evan.howell@noaa.gov.  
RIN: 0648-BJ33

**276. Implementation of Resolutions C-21-04 and C-21-06 of the Inter-American Tropical Tuna Commission for Tropical Tuna and Silky Shark Conservation [0648-BK84]**

*Legal Authority:* 16 U.S.C. 951; 16 U.S.C. 952; 16 U.S.C. 953; 16 U.S.C. 954; . . .

*Abstract:* The Inter-American Tropical Tuna Commission (IATTC) is expected to adopt by consensus a Resolution for Conservation Measures for Tropical Tunas in the Eastern Pacific Ocean in October 2021. The Resolution is binding for IATTC member nations, and under the Tuna Conventions Act, 16 U.S.C. 951 *et seq.* NMFS must implement the Resolution domestically. This proposed rule would implement the provisions for tropical tuna for 2022 and beyond. In addition to rolling over measures from the 2021 Resolution, this Resolution may include an increase in purse seine closure days, changes to force majeure provisions, updates to fish aggregating device measures. The Resolution is intended to prevent overfishing of tropical tuna (bigeye, yellowfin, and skipjack) in the eastern Pacific Ocean. The following provisions that would be included in the proposed rule were also in the regulations implemented for 2021. The rule will continue to prohibit purse seine vessels of class sizes 4–6 (carrying capacity greater than 182 mt) from fishing for tropical tuna in the EPO for a period of at least 72 days. The rule would continue to require a closure of the fishery for yellowfin, bigeye, and skipjack tunas by purse-seine vessels within the area of 96W and 110W and between 4°N and 3°S from 0000 hours on 9 October to 2400 hours on 8 November. The rule would carry over all provisions included in the Measures of the Longline Fishery and Other Provisions section of the Resolution. As of August 23, 2021, 17 U.S. purse seine vessels of class size 4–6 are registered to fish in the IATTC Convention Area that would be impacted by these measures. Owners and operators of these vessels are familiar with these measures. In addition to sending professional representatives and lobbyists, many personally attended the June and August IATTC Meetings and were closely involved in briefings and discussions with State Department and NMFS leadership and staff. The action is necessary for the United States to satisfy its international obligations as a Member of the IATTC. This rule is not

expected to trigger either opposition from any sector of the public or congressional interest. This rule absorbs 0648-BK87.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/28/22	87 FR 17248
NPRM Comment Period End.	04/27/22	
Final Action .....	07/08/22	87 FR 40731
Final Action Effective.	07/25/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, Phone: 503 872-2791, Email: scott.rumsey@noaa.gov.

RIN: 0648-BK84

**277. Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan [0648-BL12]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*

*Abstract:* The action would implement management measures included in Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan (Framework 63) that were developed by the New England Fishery Management Council in response to new scientific information, pursuant to the rulemaking authorities under section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act. The action would set annual specifications for fishing years (FY) 2022–2024 for Gulf of Maine cod and Georges Bank (GB) cod, FY2022–2023 for GB yellowtail flounder, and FY2022 for white hake, and specify FY 2022 total allowable catches (TAC) for the three U.S./Canada stocks eastern GB cod, eastern GB haddock, and GB yellowtail flounder. It would also adopt additional measures to promote stock rebuilding; and develop alternatives to the current default specifications system.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/20/22	87 FR 23482
NPRM Comment Period End.	05/05/22	
Final Action .....	07/15/22	87 FR 42375
Final Action Effective.	07/15/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Michael Pentony, Regional Administrator, Greater Atlantic

Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, Phone: 978 281-9283, Email: michael.pentony@noaa.gov.  
RIN: 0648-BL12

**278. Atlantic Highly Migratory Species; Rule To Modify the Retention Limit of Shortfin Mako Sharks [0648-BL17]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

*Abstract:* Atlantic highly migratory species (HMS) fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act and the Atlantic Tunas Convention Act (ATCA). This proposed rule would adopt management measures implementing a 2021 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation prohibiting retention of North Atlantic shortfin mako sharks caught in association with ICCAT fisheries in 2022. Specifically, this action would propose implementing a flexible shortfin mako shark retention limit with a default of zero in commercial and recreational HMS fisheries. This action is being taken pursuant to the rulemaking authority under the Magnuson-Stevens Fishery Conservation and Management Act, section 305(d), and ATCA.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/11/22	87 FR 21077
NPRM Comment Period End.	05/11/22	
Final Action .....	07/01/22	87 FR 39373
Final Action Effective.	07/05/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, Phone: 301 427-8500, Email: kelly.denit@noaa.gov.

RIN: 0648-BL17

**279. Atlantic Large Whale Take Reduction Plan Modifications To Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast [0648-BJ09]**

*Legal Authority:* 16 U.S.C. 1387 *et seq.*

*Abstract:* In response to recent recommendations from the Atlantic Large Whale Take Reduction Team (TRT) to reduce the risk of North

Atlantic right whale entanglement in commercial trap/pot fisheries along the U.S. East Coast, the National Marine Fisheries Service (NMFS) intends to propose regulations to amend the Atlantic Large Whale Take Reduction Plan (Plan).

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/31/20	85 FR 86878
NPRM Comment Period End.	03/01/21	
Final Action .....	09/17/21	86 FR 51970
Final Action Effective.	10/18/21	
Final Action Correction.	03/03/22	87 FR 11978
Final Action Correction Effective.	03/03/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427-8400, Email: kimberly.damon-randall@noaa.gov. RIN: 0648-BJ09

**DEPARTMENT OF COMMERCE (DOC)**

*Patent and Trademark Office (PTO)*

Proposed Rule Stage

**280. • Setting and Adjusting Trademark Fees [0651-AD65]**

*Regulatory Plan:* This entry is Seq. No. 19 in part II of this issue of the **Federal Register**.

RIN: 0651-AD65

**DEPARTMENT OF COMMERCE (DOC)**

*Patent and Trademark Office (PTO)*

Long-Term Actions

**281. • Setting and Adjusting Patent Fees [0651-AD64]**

*Legal Authority:* Pub. L. 112-29

*Abstract:* The United States Patent and Trademark Office (USPTO or Office) takes this action to set and adjust Patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of operations while helping the Office maintain a sustainable funding model, decrease patent pendency, and improve the reliability of issued patents.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/24	
NPRM Comment Period End.	04/00/24	
Final Action .....	10/00/24	
Final Action Effective.	12/00/24	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Brendan Hourigan, Director, Office of Planning and Budget, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, Phone: 571 272-8966, Fax: 571 273-8966, Email: brendan.hourigan@uspto.gov. RIN: 0651-AD64

**DEPARTMENT OF COMMERCE (DOC)**

*Patent and Trademark Office (PTO)*

Completed Actions

**282. Changes To Implement Provisions of the Trademark Modernization Act of 2020 [0651-AD55]**

*Legal Authority:* 15 U.S.C. 1066; 15 U.S.C. 1067; 15 U.S.C. 1113; 15 U.S.C. 1123; 35 U.S.C. 2; Pub. L. 112-29; Pub. L. 116-260

*Abstract:* The United States Patent and Trademark Office (USPTO or Office) amends the rules of practice in trademark cases to implement provisions of the Trademark Modernization Act of 2020. The rule establishes ex parte expungement and reexamination proceedings for cancellation of a registration when the required use in commerce of the

registered mark has not been made; provides for a new nonuse ground for cancellation before the Trademark Trial and Appeal Board; establishes flexible Office action response periods; and amends the existing letter-of-protest rule to indicate that letter-of-protest determinations are final and non-reviewable. The USPTO also sets fees for petitions requesting institution of ex parte expungement and reexamination proceedings, and for requests to extend Office action response deadlines. Amendments are also for the rules concerning the suspension of USPTO proceedings and the rules governing attorney recognition in trademark matters. Finally, a new rule is to address procedures regarding court orders cancelling or affecting registrations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/18/21	86 FR 26862
NPRM Comment Period End.	07/19/21	
Final Action .....	11/17/21	86 FR 64300
Final Action Effective.	12/18/21	
Correction; Delay of Effective Date.	10/13/22	87 FR 62032
Correction; Delay of Effective Date Effective.	10/07/23	

*Regulatory Flexibility Analysis*  
*Required:* Yes.

*Agency Contact:* Catherine Cain, Trademark Manual of Examining Procedure Editor, Department of Commerce, Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313, Phone: 571 272-8946, Fax: 751 273-8946, Email: catherine.cain@uspto.gov.

RIN: 0651-AD55

[FR Doc. 2023-02455 Filed 2-21-23; 8:45 am]

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