

United States Department of Commerce

**Executive Order 13563 - Plan for
Retrospective Analysis of Existing Rules
and
Executive Order 13610 - Identifying and
Reducing Regulatory Burdens**

**Progress Report
Updated February 2015**



Open Government

*Transparency
Participation
Collaboration*



**Executive Order 13563 - Plan for Retrospective Analysis of Existing Rules
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EXECUTIVE ORDER 13536

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NOAA	NMFS	Crab Rationalization Program Review	NA	The Bering Sea and Aleutian Islands (BSAI) Crab Rationalization Program was designed to improve resource conservation, operating efficiency and fishermen’s safety while maintaining participation by remote communities. These lucrative fisheries were subject to overcapitalization and intense effort during the 1990s. Dangerous weather conditions combined with the rush to fish during open seasons to create critical problems with safety at sea and product supply and processing. In order to address these problems, to account for the diverse nature of stakeholders involved, and to maintain the fishery’s historic economic importance to many remote fishing and processing communities, in 2005 NOAA implemented the Crab Rationalization Program. We are now reviewing this program for possible improvements.	New	Work Plan expected February 2015	No	Public outreach efforts, multiple opportunities for review and input, coordinated Fishery Management Council Process, public comment	While the review is still in the design process, we plan to look broadly at the many elements of the program and execute the review with an extensive public engagement process. In February our work plan will be provided to the public for an opportunity for review and comment, and after considering that comment we will begin analyzing the program and searching for any necessary improvements.



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NOAA	NMFS	Revisions to the guidelines for National Standards (NS) 1, 3, and 7 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to the General section of the National Standard guidelines	0648-BB92	<p>The proposed revisions clarify and streamline the National Standard guidelines, address concerns raised by partners and stakeholders during the implementation of annual catch limits and accountability measures, and provide flexibility to address fishery management issues. The proposed revisions, if implemented, will result in better-managed and more sustainable fisheries. They offer additional clarity and potential flexibility in meeting current Magnuson-Stevens Fishery Conservation and Management Act mandates. The purpose of this action is to further facilitate and improve compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks and achieve optimum yield. The proposed revisions include:</p> <ul style="list-style-type: none"> • Increasing flexibility in setting timelines for rebuilding programs; • Providing flexibility for better managing data-limited stocks; • Clarifying guidance on which stocks require conservation and management; • Enhancing current efforts by the councils to apply ecosystem approaches to management; • Providing for more stable fisheries through guidance on multiyear overfishing determinations, phasing in results of new stock assessments and the carryover of the unused portion of annual catch limits to subsequent years; 	Ongoing	Proposed Rule published in the Federal Register on 01/20/2015 (80 FR 2785).	Streamlined requirements	Public comment; the development of the rule was informed by an extensive public engagement strategy, including an Advance Notice of Proposed Rulemaking and following that by input solicited during a public conference, "Managing Our Nation's Fisheries"	The objective of the proposed revisions is to improve and streamline the National Standard guidelines and provide more flexibility in the current statutory limits to address fishery management issues. The proposed revisions, if implemented, will result in better-managed and more sustainable fisheries.



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				<ul style="list-style-type: none"> • Adding a definition for “depleted stocks” to recognize non-fishing-related impacts to fish stocks, and; • Recommending the councils re-evaluate the objectives of fishery management plans, to ensure they reflect the changing needs of the fishery, including allocation of fishery resources. 					



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NOAA	NMFS	Final Rule Amending the Incidental Take Statement Provisions of the Endangered Species Act Section 7 Regulations	0648-BB81	The U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (the Services) are jointly amending the regulations governing Incidental Take Statements for endangered species. An Incidental Take Statement describes the amount or extent of "incidental take" of a threatened or endangered species (e.g., harm to that species) that is anticipated to result from an action by a federal agency. These revisions are meant to clarify and codify the current policy of the Services regarding the use of surrogates, and to address recent court decisions related to Incidental Take Statements for programmatic Federal actions. These changes will also allow flexibility in how the Services prepare Incidental Take Statements in situations where assessing and monitoring take of endangered and threatened species may be difficult.	Ongoing	Proposed Rule published in the Federal Register on 9/4/2013 (78 FR 54437)	No	Public Comment	These changes will allow flexibility in how the Services prepare Incidental Take Statements in situations where assessing and monitoring take of endangered and threatened species may be difficult.



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NOAA	NMFS	Revised and Updated National Environmental Policy Act (NEPA) procedures for Magnuson-Stevens Act fishery management actions; request for comments	0648-XD353	On February 19, 2013, NMFS issued an internal policy pertaining to complying with NEPA in the context of Magnuson-Stevens Act (MSA) fishery management actions that clarifies roles and responsibilities of NMFS and the Regional Fishery Management Councils (FMCs), explains timing and procedural linkages, provides guidance on documentation needs, and fosters partnerships and cooperation between NMFS and FMCs on NEPA compliance. NMFS consulted with the Councils and with the Council on Environmental Quality (CEQ) on proposed revisions to the 2013 NMFS NEPA policy directive, and based on those consultations NMFS now proposes to use this policy as a basis for issuing revised and updated NEPA procedures for MSA actions in the form of a line-office supplement to NOAA Administrative Order 216-6.	Ongoing	Notice published 6/30/2014, comment period ends 9/29/2014; Final policy expected Spring 2015	No	Public comment, Fishery Management Council input	The draft NEPA procedures make several improvements in the NEPA process for FMC initiated fishery management actions that will streamline the NEPA process. The procedures (1) clarify NEPA roles and responsibilities while encouraging collaboration and early integration of processes; (2) encourage completion as much of the NEPA process at the Council level and establish a procedural nexus linking NEPA's requirements with MSA's; (3) better integrates MSA and NEPA required documentation; and (4) provides instructions in using NEPA tools to gain greater efficiencies in the process.



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NOAA	NMFS	Proposed Rule to Modify Pacific Coast Groundfish Fishery Regulations Pertaining to Certified Observers and Catch Monitors in the Pacific Coast Groundfish Fishery	0648-BD30	This rule would clarify requirements for observers and catch monitors in the West Coast groundfish trawl catch share program and eliminates certain redundant requirements.	Ongoing	Proposed published 02/19/2014; Final expected March 2015	No	Public Comment	The rule would reduce burden on the public by reducing duplicative requirements concerning: observer safety requirements, appeals processes, permitting processes, and annual renewal requirements.
NOAA	NMFS	Proposed Rule to Implement Changes to the Regulations for Designating Critical Habitat under the Endangered Species Act.	0648-BB79	This rule clarifies procedures for designating and revising critical habitat and clarifies the meaning of "geographical area occupied by the species" by expanding the definition statement.	Ongoing	Proposed published 05/12/2014	No	Public Comment	These proposed amendments are based on the review of the regulations by DOI's Fish and Wildlife Service and NMFS and are intended to add clarity for the public, clarify expectations regarding critical habitat and provide for a credible, predictable, and simplified critical-habitat-designation process.



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NOAA	NMFS	Proposed Rule to Amend the Definition of Destruction or Adverse Modification of Critical Habitat under the Endangered Species Act (ESA).	0648-BB80	This rule would amend the definition of “destruction or adverse modification” to replace the invalidated definition with one that is consistent with the ESA and circuit court opinions.	Ongoing	Proposed published 05/12/2014	No	Public Comment	The rule provides clear, consistent, and predictable application of the definition during our ESA section 7 consultations. The changes make our regulation consistent with current practice.
NOAA	NMFS	Final Policy on Exclusions from Critical Habitat under the Endangered Species Act	0648-BB82	This draft policy explains how NOAA Fisheries considers partnerships and conservation plans, habitat conservation plans, tribal lands, military lands, and Federal lands in the process of determining whether to exclude lands from a critical habitat designation where the benefits of exclusion outweigh the benefits of designating the area as critical habitat.	Ongoing	Proposed published 05/12/2014	No	Public Comment	This policy will clarify how the USFWS and NMFS exclude lands from critical habitat designations to speed up the review and decision-making process for these agencies. It will also provide greater clarity and predictability to other federal agencies and tribal partners about how their lands may be designated as critical habitat.
NOAA	ONMS	Amendments to National Marine Sanctuary Regulations	0648-AV85	NOAA proposed to amend the program regulations of the national marine sanctuaries. This rule would update and reorganize the existing regulations, eliminate redundancies across sanctuaries, eliminate outmoded regulations, adopt standard boundary descriptions,	Ongoing	April 2015	Streamlined requirements	Public comment	This rulemaking is currently anticipated to have the following seven benefits: • Consolidate regulations applicable to all sanctuaries into appropriate subparts.



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				and consolidate general and permitting procedures.					<ul style="list-style-type: none"> • Eliminate general requirements that are either outmoded or merely duplicative of existing statutory requirements. • Amend procedures for identifying and evaluating marine sites for possible national marine sanctuaries designation. • Adopt standard boundary descriptions. • Harmonize and consolidate definitions that are common to all sanctuaries. • Reorganize, update, and consolidate the permitting regulations into a single subpart. • Make other conforming and administrative changes.
NOAA	ONMS	Expansion of Gulf of the Farallones and Cordell Bank National Marine Sanctuaries, and Regulatory Changes	0648-BD18	NOAA is proposing to expand the boundaries of Gulf of the Farallones National Marine Sanctuary (GFNMS) and Cordell Bank National Marine Sanctuary (CBNMS) to an area north and west of their current boundaries, as well as to amend existing sanctuary regulations and add new regulations.	Ongoing. Final rule is drafted and under Interagency Review	March 2015	No	Public comment	NOAA expects both the commercial fishing industry and the recreation-tourism industry to receive moderate net benefits from these regulations in that habitat qualities would be maintained or improve, generating increased fish stocks for commercial and recreational fishing .



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NOAA	ONMS	Gray's Reef National Marine Sanctuary Regulations and Management Plan	0648–BD60	NOAA has updated the regulations and management plan for Gray's Reef National Marine Sanctuary (GRNMS). The regulations are revised to clarify the prohibition on anchoring and add an exemption to allow the use of weighted marker buoys that are continuously tended by vessel operators during otherwise lawful fishing or diving activities, not attached to a vessel, and not capable of holding a boat at anchor. A revised management plan outlining management priorities for GRNMS for the next 5-10 years was also prepared.	Completed	Management plan and final rule published on July 18, 2014 (79 FR 41879)	Periodic management plan review under National Marine Sanctuaries Act	Public comment	<p>NOAA expects the proposed regulatory exemption on the use of small weighted marker buoys in the Sanctuary to result in beneficial effects for recreation users of GRNMS by: (a) enhancing dive opportunities at the Sanctuary and (b) enhancing bottom fishing opportunities within the for-hire charter boat fishing and private recreational boating industries.</p> <p>NOAA expects this rule to slightly increase the number of bottom-fishing trips from private household boats in the Sanctuary with small positive benefits to the current participants and some additional small economic benefits to recreational fishing related economies based on increased activity and spending. All spending by the recreational sector would benefit small businesses that provide goods and services to recreational participants.</p>



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NOAA	NMFS	Amendment 105 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area	0648-BD23	This action established a process for Western Alaska Community Development Quota groups, and cooperatives established under the Amendment 80 Program (Amendment 80 cooperatives), to exchange harvest quota from one of three flatfish species (flathead sole, rock sole, and yellowfin sole) for an equal amount of another of these three flatfish species, while maintaining total catch below acceptable biological catch limits.	Completed	Final rule published in the Federal Register on 09/23/2014 (79 FR 56671).	No	Public comment	This rule adopted management measures designed to increase flexibility for fishermen in utilization of their quota allocations. It established a species quota exchange program that will allow fishermen to increase their groundfish harvests. The rule provides more flexibility in harvesting operations to mitigate the operational variability, environmental conditions, and economic factors that may constrain them from completely harvesting their quotas in the Bering Sea and Aleutian Islands groundfish fisheries.



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NOAA	NMFS	Final Rule for a Regulatory Amendment to Revise Regulations for Federal Fisheries Permits and Federal Processor Permits	0648-AX78	This rule revised criteria for applying for, amending, or surrendering a Federal Fisheries Permit or Federal Processor Permit in the Gulf of Alaska and Bering Sea and Aleutian Islands groundfish fisheries.	Completed	Final rule published in the Federal Register on 10/21/2014 (79 FR 62885).	No	Public comment	This rule implemented regulations to provide greater efficiency, flexibility, and clarity to fishing and processing operations concerning Federal Fisheries Permit and Federal Processor Permit conditions and requirements. One notable reduction in burden is the allowance to maintain a copy of a permit rather than the original permit onboard a vessel.
NOAA	NMFS	Final Rule to implement improvements to at-sea scale and other electronic monitoring measures in Bering Sea and Aleutian Islands.	0648-BD90	This final rule revised regulations governing the use of scales to weigh catch at sea in the Federally managed groundfish fisheries off Alaska. The action makes three major changes to current regulations to improve the accuracy of catch estimation by the catcher/processors and motherships using at-sea scales and reduces the possibility of scale tampering.	Completed	Final rule published in the Federal Register on 11/18/2014 (79 FR 68610).	No	Public comment	The action removed certain regulations that are no longer necessary (one annual reporting requirement was removed and requirements for submitting paper logbooks were removed and replaced with requirements to submit these reports electronically). These actions have reduced the burden of the at-sea scales regulations.



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NOAA	NMFS	Modification to Steller sea lion protection measures for groundfish fisheries in the Bering Sea and Aleutian Islands Management Area (BSAI)	0648-BE06	This final rule implements Steller sea lion protection measures to insure that groundfish fisheries in the BSAI off Alaska are not likely to jeopardize the continued existence of the western distinct population segment of Steller sea lions or destroy or adversely modify their designated critical habitat. These management measures disperse fishing effort temporally and spatially to provide protection from potential competition for important Steller sea lion prey species.	Completed	Final rule published in the Federal Register on 11/25/2014 (79 FR 70285)	No	Public comment	This rule modified the sea lion protection measures implemented by interim final rule in 2011 (79 FR77535). Some increased burden may be anticipated for some areas and some burden was reduced relative to the requirements and prohibitions under the 2011 Interim Final Rule. Under the November 24, 2015 rule, burden on industry was reduced in the following ways: prohibitions against retaining Atka mackerel and Pacific cod in the western Aleutian Islands were repealed; fishing closure areas in sea lion critical habitat in the western Aleutian Islands were modified with additional open areas around the Buldir Island Rookery, which will reduce burden and cost on the industry; the final rule opened a portion of sea lion critical habitat in the eastern Aleutian Islands to fishing for Atka mackerel for the first time since 2001; and the final rule opened portions of sea lion critical habitat in the Aleutian Islands to fishing for pollock for the first time since 1999.



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NOAA	NMFS	Temporary Rule for Emergency Action to Adjust the Gulf of Maine Haddock Specifications	0648-BE45	This action implemented new stock status determination criteria for Gulf of Maine haddock and increased the associated Gulf of Maine haddock catch limits for the remainder of fishing year 2014 based on the most recent and best available scientific information.	Completed	Final Rule published in the Federal Register on 11/12/2014 (79 FR 67090).	n/a	Public comment	This emergency action increased the Gulf of Maine haddock catch limits, based on an updated stock assessment. This action was intended to provide additional commercial fishing opportunities for Gulf of Maine haddock and other healthy groundfish stocks.
NOAA	NMFS	Final Rule to Implement Framework Adjustment 8 to the Monkfish Fishery Management Plan	0648-BD56	This action increases monkfish days-at-sea allocations and landing limits, allows certain vessels to fish in a broader geographic area, and increases the flexibility of vessels to use monkfish-only days-at-sea at any time during the fishing year.	Completed	Final rule published in the Federal Register on 7/18/2014 (79 FR 41918).	Streamlined requirements	Public Comment, Analyses	By increasing monkfish days-at-sea and landing limits, this action is expected to increase overall monkfish fishing revenue by about \$2.3 million compared to existing measures. Other measures implemented by this action are expected to increase fishing opportunities and provide greater operational flexibility, thereby increasing revenue and reducing operational costs.



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NOAA	NMFS	Final Rule to Implement New On-Reel Trawl Gear Stowage Methods	0648-BD93	This final rule changes on-reel trawl gear stowage requirements when fishing vessels are transiting closed areas or fishing in areas with mesh size restrictions. Specifically, this action allows a vessel to use a highly visible orange or yellow mesh material as an alternative to the current requirement to use a tarp or similar canvas material.	Completed	Final rule published in the Federal Register on 9/4/2014 (79 FR 52578).	Streamlined requirements, Flexibility	Public Comment, Third-party Assessment	By providing the industry with a new and easier method to meet the gear stowage requirements, this provision is expected to provide the industry with increased flexibility, reduction in manual labor burdens, and increased vessel operating efficiency. This action is also expected to increase safety at-sea.
NOAA	NMFS	Final Rule to Amend the Regulations Implementing the Atlantic Large Whale Take Reduction Plan	0648-BE57	This final rule makes revisions to the Atlantic Large Whale Take Reduction Plan's recently approved Massachusetts Bay Restricted Area per the request of the Massachusetts Division of Marine Fisheries. The Restricted Area was approved in June 2014 and implemented an annual closure to commercial trap/pot gear from January 1 through April 30 in order to protect the Northern right whale, humpback whale, and fin whale. Shortly after approving this area, a proposal to modify the Massachusetts Bay Restricted Area was submitted by the Massachusetts Division of Marine Fisheries on behalf of their fishermen to address economic concerns surrounding the closure of the area in	Completed	Final rule published in the Federal Register on 12/12/14 (79 FR 73848).	No	Public Comment, Analyses, Third- party Assessments	The proposed modification to the Massachusetts Restricted Area will have equal conservation benefit while increasing economic opportunity for fishermen.



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				January. The Take Reduction Team considered this proposal and has agreed with a requested modification that would shift the start date of the closure to later in the year to accommodate fishing interests.					
NOAA	ONMS	Boundary Expansion of Thunder Bay National Marine Sanctuary	0648-BC94	NOAA expanded the boundary of Thunder Bay National Marine Sanctuary, clarified the correlation between TBNMS regulations and Indian tribal fishing activities, and revised the corresponding sanctuary terms of designation. The new boundary for TBNMS increased the size of the sanctuary from 448 square miles to 4,300 square miles and extended protection to 47 additional known historic shipwrecks of national significance.	Completed	Final rule published September 5, 2014 (79 FR 52960)	No	Public comment	Because these regulations are compatible with sustainable tourism, and protecting the shipwrecks may make them better recreational venues, there may be increase economic benefits to recreational charter diving and sightseeing small businesses operating in the proposed sanctuary expansion area, and the region. Also, the visitor's center may actually see increased visitation.



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DOC	BIS	Revisions to the Support Document Requirements of the Export Administration Regulations in Response to Executive Order 13563 Retrospective Regulatory Review	0694-AG00	This final rule will streamline support documentation requirements (Retrospective Regulatory Review).	New to this update	Target 3/15	Streamlined requirements	Public comment	Proposed revisions will yield an estimated net decrease of 800 burden hours across four collections and aid compliance.
DOC	BIS	Harmonization of Definitions: Public Domain/Published, Technical Data/Technology, Fundamental Research, Export, Reexport, Transfer (in-country)/Re-transfer	0694-AG32	Harmonizing definitions of terms in the Export Administration Regulations with similar terms in the International Traffic in Arms Regulations is part of the Export Control Reform initiative.	New to this update	Target 3/15	Streamlined requirements	Public comment	To aid compliance, this proposed rule would harmonize definitions of terms in the Export Administration Regulations with similar terms in the International Traffic in Arms Regulations. This rule also proposes provisions clarifying requirements with respect to deemed exports, deemed reexports, and cloud computing.



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DOC	BIS	Proposed Revisions to the Export Administration Regulations: Control of Fire Control, Range Finder, Optical, and Guidance and Control Equipment the President determines No Longer Warrant Control Under the United States Munitions List	0694-AF75	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	New to this update	Target 3/15	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for items related to fire control, range finder, optical, and guidance and control equipment moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Control of Dissemination, Detection and Protection	0694-AF52	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	New to this update	Target 2/15	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for dissemination, detection and protection equipment and related articles moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-



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		Equipment and Related Articles that the President Determines No Longer Warrant Control under the United States Munitions List							0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Controls on Electronic Commodities; Exports and Reexports to Hong Kong	0694-AG33	Final rule streamlined controls on certain electronic commodities (MMIC devices) by restricting only those not used for civil telecommunications.	New to this update; Completed	12/23/14 79 FR 76867	Streamlined requirements	Public comment	Targeted control protected national security interests while minimizing trade burden.



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DOC	BIS	Revisions to the Export Administration Regulations: Control of Firearms and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF47	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Proposed rule withdrawn from OMB review pursuant to Executive Order 12866 on 05/17/2013. See Reginfo.gov for more information.	TBD	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for firearms and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Control of Guns and Armament and Related Articles the President Determines No	0694-AF48	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Proposed rule withdrawn from OMB review pursuant to Executive Order 12866 on 05/17/2013. See	TBD	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for guns and armament, and related items, moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State



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		Longer Warrant Control Under the United States Munitions List			Reginfo.gov for more information.				registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Control of Ammunition and Ordnance the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF49	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Proposed rule withdrawn from OMB review pursuant to Executive Order 12866 on 05/17/2013. See Reginfo.gov for more information.	TBD	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for ammunitions and ordnance moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.



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DOC	BIS	Amendment to Licensing Requirements for Exports to Canada of Shotguns, Shotgun Shells and Optical Sighting Devices under the Export Administration Regulations	0694-AF60	This rule would streamline export clearance requirements.	Proposed rule withdrawn from OMB review pursuant to Executive Order 12866 on 05/17/2013. See Reginfo.gov for more information.	TBD	Streamlined requirements	Public comment	Benefits include reducing the administrative burdens of submitting a license application for certain exporters, who meet the prerequisite conditions, by streamlining the authorization and clearance process.
DOC	BIS	Export Control Reform Initiative: Strategic Trade Authorization License Exception	0694-AF03	In order to determine the impact of the regulation on license applications and shipments, BIS's Office of Technology Evaluation (OTE) has prepared benchmark analysis of the use of Strategic Trade Authorization (STA) transactions. OTE found that from July 2011 to December 2014, 464 exporters have conducted 12,023 shipments under STA worth \$691.8 million. Within these shipments, there were 4,934 exports of 600-series items under STA worth \$302.1 million by 289 exporters. OTE continues to track STA exports and license applications.	Rule completed; ongoing tracking	6/16/2011 76 FR 35276	Increased flexibility (option of license or license exception for certain transactions)	Public comment; monitoring Automated Export System data	While reduction in burden hours for license applications (0694-0088) is somewhat offset by increased safeguards requirements for assurances against unauthorized reexports (0694-0137), giving exporters the option of an exception reduces uncertainty and turnaround time on the transaction; benefits include allowing the government to redirect resources from low-risk transactions to more complex national security and foreign policy concerns.



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DOC	BIS	Proposed Revision to the Export Administration Regulations: Control of Items the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF17	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	7/15/2011 76 FR 41958	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for less militarily significant items moved from State to Commerce control is expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Proposed Revision to the Export Administration Regulations: Control of Aircraft and Related Items the President Determines No	0694-AF36	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	11/7/2011 76 FR 68675	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for aircraft and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are



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		Longer Warrant Control Under the United States Munitions List							not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Control of Vessels of War and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF42	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	12/23/11 76 FR 80282	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for items, primarily parts and components for vessels, moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.



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DOC	BIS	Revisions to the Export Administration Regulations: Control of Military Vehicles and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF17	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	12/6/11 76 FR 76085	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for military vehicles and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Control of Submersible Vessels, Oceanographic Equipment and	0694-AF39	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	12/23/11 76 FR 80291	Increased regulatory flexibility	Public comment	Due to limited export and reexport trade in these items, little to no effect on burden should occur. Greater clarity with respect to jurisdiction is a benefit of this rule.



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		Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List							
DOC	BIS	Revisions to the Export Administration Regulations: Export Control Classification Number 0Y521 Series, Items Not Elsewhere Listed on the Commerce Control List (CCL)	0694-AF17	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control. Creation of a temporary classification was part of this initiative.	Completed	4/13/12 77 FR 22191	Increased regulatory flexibility	Public comment	No effect on burden at publication; no items controlled under this classification at this time. The benefit of this rule is that it creates a temporary classification for items that warrant export control but are not yet identified on the CCL, while the U.S. Government works to adopt a control through the relevant multilateral regime(s); to determine an appropriate longer-term control over the item; or determines that the item does not warrant control on the CCL.



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DOC	BIS	Revisions to the Export Administration Regulations: Control of Energetic Materials and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF53	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	5/2/12 77 FR 25932	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for energetic materials and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Control of Gas Turbine Engines and Related Items the President	0694-AF41	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	12/6/2011 76 FR 76072	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for gas turbine engines and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and



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		Determines No Longer Warrant Control Under the United States Munitions List							registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Auxiliary and Miscellaneous Items that No Longer Warrant Control Under the United States Munitions List and Items on the Wassenaar Arrangement Munitions List	0694-AF51	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	5/18/12 77 FR 29564	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for auxiliary and miscellaneous items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to



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									jurisdiction
DOC	BIS	Revisions to the Export Administration Regulations: Control of Personal Protective Equipment, Shelters, and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF58	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	6/7/12 77 FR 33688	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for personal protective equipment, shelters, and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.



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DOC	BIS	Revisions to the Export Administration Regulations: Control of Military Training Equipment and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF54	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	6/13/12 77 FR 35310	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for military training equipment and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	“Specially Designed” Definition	0694-AF66	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control. Creation of a "specially designed" definition was part of this initiative.	Completed	6/19/12 77 FR 36409	Increased regulatory flexibility	Public comment	This proposed rule does not affect the jurisdiction of any items. BIS believes it will facilitate enhanced public understanding of a key term used extensively on the Commerce Control List. The term would also be used in controls that would apply to items transitioned from State to Commerce.



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DOC	BIS	Feasibility of Enumerating "Specially Designed" Components	0694-AF68	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control. Creation of a "specially designed" definition was part of this initiative.	Completed	6/19/12 77 FR 36419	Increased regulatory flexibility	Public comment	This advance notice of proposed rulemaking solicited public comments with the intention of making the Commerce Control List more objective, which would aid compliance.
DOC	BIS	Proposed Revisions to the Export Administration Regulations: Implementation of Export Control Reform; Revisions to License Exceptions After Retrospective Regulatory Review	0694-AF65	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	6/21/12 77 FR 37524	Increased regulatory flexibility	Public comment	In addition to proposing measures to ease the transition process for items moving from State to Commerce jurisdiction, this proposed rule, as a result of retrospective regulatory review, would streamline certain license exceptions to eliminate complex or outmoded provisions.



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DOC	BIS	Revisions to the Export Administration Regulations: Control of Military Electronic Equipment and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF64	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	11/28/12 77 FR 70945	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for military electronic equipment and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations (EAR) to Make the Commerce Control List (CCL) Clearer	0694-AF37	Revising the Commerce Control List to make it clearer and aid compliance.	Completed	11/29/12 77 FR 71214	Streamlined requirements	Public comment	No effect on burden hours. Because license requirements are often based on item classification according to the CCL, benefits include increased clarity to aid compliance and enforcement.



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DOC	BIS	Revisions to the Export Administration Regulations: Initial Implementation of Export Control Reform	0694-AF65	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	4/16/13 78 FR 22660	Increased regulatory flexibility	Public comment	Increases in burden hours are expected to be more than offset by reductions in State collections. State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction. Defining “specially designed” in this rule facilitates enhanced public understanding of a key term. In addition to measures to ease the transition process for items moving from State to Commerce jurisdiction, this rule, as a result of retrospective regulatory review, streamlined certain license exceptions to eliminate complex or outmoded provisions.



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DOC	BIS	Export Administration Regulations: Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF87	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	5/24/13 78 FR 31431	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for spacecraft systems and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Military Vehicles; Vessels of War; Submersible Vessels, Oceanographic Equipment;	0694-AF39	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	7/8/13 78 FR 40892	Increased regulatory flexibility	Public comment	Increases in burden hours are expected to be more than offset by reductions in State collections. State registration and licensing fees are not required for Commerce items. Due to limited export and reexport trade in submersible vessels, oceanographic equipment, and related items, little to no effect on burden should occur. Benefits include reduced burden on exporters due to more flexible



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		Related Items; and Auxiliary and Miscellaneous Items that the President Determines No Longer Warrant Control under the United States Munitions List							Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Control of Military Electronic Equipment and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF64	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	7/25/13 78 FR 45026	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for military electronic equipment and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and



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									greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations (EAR) To Make the Commerce Control List (CCL) Clearer	0694-AF37	Revising the Commerce Control List to make it clearer and aid compliance.	Completed	10/4/13 78 FR 61874	Streamlined requirements	Public comment	No effect on burden hours. Because license requirements are often based on item classification according to the CCL, benefits include increased clarity to aid compliance and enforcement.
DOC	BIS	Control of Military Training Equipment, Energetic Materials, Personal Protective Equipment, Shelters, Articles Related to	0694-AF58	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	1/2/14 79 FR 264	Increased regulatory flexibility	Public comment	Increases in burden hours are expected to be more than offset by reductions in State collections. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.



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		Launch Vehicles, Missiles, Rockets, Military Explosives, and Related Items							
DOC	BIS	Proposed Revisions to the Support Document Requirements of the Export Administration Regulations in Response to Executive Order 13563 Retrospective Regulatory Review	0694-AG00	This rule would streamline support documentation requirements (Retrospective Regulatory Review).	Completed	4/9/14 79 FR 19552	Streamlined requirements	Public comment	This proposed rule would affect four collection numbers: Approval of Triangular Transactions Involving Commodities Covered by a U.S. Import Certificate (collection number 0694-0009), Delivery Verification Certificate (0694-0016), International Import Certificate (0694-0017), Statement by Ultimate Consignee and Purchaser (0694-0021), and Import Certificates And End-User Certificates (0694-0093). Proposed revisions would yield an estimated net decrease in burden hours of more than 800 hours across these collections. Clarifying the requirements for support documentation will aid compliance and enforcement.



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DOC	BIS	Revisions to the Export Administration Regulations: Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)	0694-AF87	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	5/13/14 79 FR 27417	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for spacecraft systems and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Revisions to the Export Administration Regulations: Control of Military Electronic Equipment and Related Items the President Determines No	0694-AF64	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	7/1/14 79 FR 37551	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for military electronic equipment and related items moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are



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		Longer Warrant Control Under the United States Munitions List (USML)							not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	BIS	Civil Uses of Certain Microwave Monolithic Integrated Circuit (MMIC) Power Amplifiers, Discrete Microwave Transistors and Bi-Static and Multi-Static Radar	n/a	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control. Notice solicited information on civil end uses of items proposed to be controlled as military items.	Completed	7/1/14 79 FR 37548	Increased regulatory flexibility	Public comment	This notice of inquiry solicits public comments on specific examples of civil uses of certain items subject to control as military electronics. Public comments received in response to the proposed military electronics rules asserted such civil end uses but did not provide specific examples.



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DOC	BIS	EAR Revision: Items Related to Launch Vehicles, Missiles, Rockets, and Military Explosive Devices the President Determines No Longer Warrant Control Under the United States Munitions List	0694-AF56	The Export Control Reform initiative moves less militarily significant items from State to more flexible Commerce control.	Completed	1/31/13 78 FR 6750	Increased regulatory flexibility	Public comment	Increases in burden hours under 0694-0088 and 0694-0137 for items related to launch vehicles, missiles, rockets, and military explosive devices moved from State to Commerce control are expected to be more than offset by reductions in State collections for license applications and amendments (1405-0003, 1405-0023, and 1405-0092), agreements (1405-0093), and registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.
DOC	USPTO	Revisions to Patent Trial and Appeal Board rules	tbd	USPTO's Patent Trial and Appeal Board is considering revisions to its trial rules, which were enacted two years ago, based on internal review of procedures and extensive public outreach seeking public input on how the rules might be improved. This may take the form of two different rulemakings on different timeframes.	Ongoing	2015/2016	no	Public Comment, public roundtables/outreach	



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DOC	USPTO	Review of Fee Schedule	tbd	In early 2013, USPTO issued a final rule, "Setting and Adjusting Patent Fees" (RIN 0651-AC54, 78 FR 4212, Jan. 18, 2013), in which USPTO set a new fee structure for patent services. As part of an internal biennial fee review, the USPTO is beginning internal consideration of the current fee structure set by that 2013 rule, and considering ways that the structure might be improved, including possible rulemaking pursuant to the USPTO's fee setting authority under Section 10 of the America Invents Act. Any such rulemaking would include public outreach.	Ongoing	2015/2016	no	Public Comment, public roundtables/outreach	



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Agency	RIN/ OMB Control Number	Title of Rule/ Brief Description	Hours of Paperwork/Reporting Eliminated	Estimated Effective Date of the Change	Reason(s) for Change of Effective Date
Census	0607-0943	<i>2012 Survey of Business Owners</i> Reduce burden from survey by making better use of existing data, reduce sample size, and offer use of a shorter form.	181,700	Nov 15	The 2012 Survey of Business Owners is currently underway. The data collection will conclude by November 30, 2015. NO CHANGE
NOAA	0648-0518	<i>Crab Rationalization Economic Data Reports</i> New streamlined Economic Data Reports have been developed, and were finalized through RIN 0648-BC25.	2,628 (average 22 hours/ 40 minutes per each of 116 respondents)		COMPLETED
NOAA	0648-0205	<i>Southeast Region Permit Family of Forms</i> Implementation of an electronic permit application in Southeast Region.	1,200 (11 minutes per each of 6,500 respondents – updated to 500 (5 minutes per each of 6,000 respondents) – maximum, as some will continue to use paper applications.		COMPLETED
NOAA	0648-0016	<i>Southeast Region Logbook Family of Forms</i> Request for comments, as part of a proposed rulemaking, on the value and burden of no-fishing reports. If the reports are eliminated, the burden shown in the next cell will be saved.	929 (27,883 responses x 2 minutes each)	Dec 16	
NOAA	0648-0212	<i>Greater Atlantic Region Logbook Family of Forms</i> Removal of the no-fishing report requirement for all regional fisheries that require trip reports, due to improved estimation from other sources. This is part of a rulemaking in process.	2,610 (78,294 responses x 2 minutes each)	July 15	