

May 8, 2012

Department of Commerce Progress Report for EO 13563

NOAA

Agency	RIN/ OMB Control Number	Title of Rule	Brief Description	Date	Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits	Progress updates and anticipated accomplishments
NOAA	0648-BA87	Final Rule; Regulatory Amendment to Implement Deep-set Longline Swordfish Retention Limits under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species	This rule modifies the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species regulations governing the possession and landing limits of swordfish captured in the Deep-set Longline fishery as follows: if a vessel without an observer onboard uses any J-hooks (tuna hooks), the trip limit is 10 swordfish; if a vessel without an observer onboard uses only circle hooks, the trip limit is 25 swordfish; if the vessel carries a NMFS-approved observer during the entire fishing trip, there is no limit on swordfish retained.	03/19/2012	This final rule modified the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species longline regulations, which prohibit U.S. vessels based on the West Coast from using longline gear to make shallow sets, and which originally prohibited U.S. vessels using Deep-set Longline gear from landing more than 10 swordfish per trip. The final rule retains the 10 swordfish limit for Deep-set Longline vessels fishing with J-hooks (tuna hooks), because those types of hooks have higher sea turtle bycatch rates, and the trip limit acts as a deterrent to engaging in fishing practices that may result in sea turtle bycatch. The final rule changes the trip limits for vessels fishing without observers but using circle hooks, because those types of hooks are known to minimize the bycatch and mortality of sea turtles. However, for trips with a MFS -approved observer, the final rule removes the trip limits entirely, because the observer acts as a sufficient deterrent to engaging in shallow set longline fishing, which is	Published - 77 FR 15973

May 8, 2012

Department of Commerce Progress Report for EO 13563

					<p>prohibited. The final rule assists vessels in the Deep-set Longline fishery by reducing the unnecessary discard of swordfish when a vessel employs Deep-set Longline fishing methods known to reduce the risk of incidentally catching sea turtles. It also benefits the Deep-set Longline vessels by allowing them to land a greater number of swordfish, which could result in fishermen realizing greater profits from Deep-set Longline fishing trips, especially those with NMFS-approved observer coverage. Furthermore, by not forcing fishermen to discard as many swordfish, bycatch levels will be minimized as required to be, to the extent practicable, by National Standard 9 of the Magnuson-Stevens Act.</p>	
NOAA	0648-BB77	Proposed Rule	The proposed rule to implement Amendment 12 to the Fishery Management Plan for the Salmon Fisheries in the Exclusive Economic Zone off the Coast of Alaska would revise salmon management to reflect the North Pacific Fishery Management Council's salmon management policy.	04/11/2012	The proposed rule would reduce the burden on stakeholders by (1) removing from regulations outdated permit requirements and (2) clarifying the specific regions to which the Fishery Management Plan applies to eliminate management redundancy with the State of Alaska.	Published - 77 FR 21716
NOAA	0648-AV33	Final Rule to revise regulations governing the Western Alaska Community	The final rule revised federal regulations governing the Community Development Quota Program to comply with the 2006 amendments to the Magnuson-Stevens Act.	02/08/2012	The final rule reduced burdens on the Community Development Quota groups, which are six non-profit corporations representing 65 Alaskan communities that receive fishery allocations, and their fishing industry	Published - 77 FR 6492

May 8, 2012
 Department of Commerce Progress Report for EO 13563

		Development Quota Program			partners. The final rule removed regulations for a complex and lengthy allocation process and other administrative requirements that Congress determined were no longer necessary. In addition, the final rule revised regulations so that the catch monitoring and observer coverage requirements that apply in Community Development Quota fisheries are no more restrictive than those that apply in other catch share programs.	
NOAA	0648-BB34	Final Rule to Implement Amendment 17 to the Northeast Multispecies Fishery Management Plan	<p>This action amends the Northeast Multispecies Fishery Management Plan to explicitly define and facilitate the effective operation of state-operated permit banks. As proposed in Amendment 17, state-operated permit banks may be allocated an annual catch entitlement and specifically authorized to provide their annual catch entitlement and/or days-at-sea to approved groundfish sectors to enhance the fishing opportunities available to sector members.</p> <p>This action also approves a provision allowing NMFS to issue a days-at-sea credit to a vessel that cancels a fishing trip prior to setting or hauling fishing gear.</p>	03/23/2012	<p>Prior to Amendment 17, state-operated permit banks were not specifically recognized under the current Northeast Multispecies Fishery Management Plan, and were not allocated, or authorized to transfer, annual catch entitlements outside of the current sector program. They had to either enroll in an existing sector or to form their own sector with other permit holders to be allocated and to transfer annual catch entitlements. This complicated the operation of the state permit banks and added administrative requirements redundant with memoranda of agreement between the states and NMFS as a prerequisite for receiving the grant awards.</p> <p>Amendment 17 recognized state-operated permit banks under the provisions of the Northeast Multispecies Fishery Management</p>	<p>Published - 77 FR 16942</p> <p>The State of Maine created a permit bank for fishing year 2011 but had to operate as a sector to lease out its allocation to qualifying sectors. Now that Amendment 17 has been approved, Maine no longer has to function as a sector for fishing year 2012. In addition, New Hampshire has purchased several fishing permits and is operating a state permit bank for the 2012 fishing year.</p>

May 8, 2012

Department of Commerce Progress Report for EO 13563

					<p>Plan so they can be allocated annual catch entitlements and transfer annual catch entitlements to an approved sector without having to enroll in another sector or create its own sector. This reduces many reporting requirements for state-operated permit banks.</p> <p>This rulemaking also added an additional days-at-sea credit provision for the region, which added overall paperwork burden because it was a new provision. However, while implementing this, we reduced burden for our two previously existing days-at-sea credit provisions by replacing the requirement to write out an open-ended request for a days-at-sea credit with a short standardized fillable form for all days-at-sea credit provisions. The days-at-sea credit for canceled trips provides an opportunity for fishermen to utilize days-at-sea that otherwise would have been wasted.</p>	
NOAA	0648-XA797	2012 Sector Operations Plans and Contracts, and Allocation of Northeast Multispecies Annual Catch Entitlements	Under the Northeast Multispecies Fishery Management Plan, owners of sector vessels who currently intend to participate in one of the 19 sectors account for 843 of the 1,475 eligible Northeast multispecies permit holders, representing approximately 99 percent of the historical commercial Northeast multispecies	05/02/2012	In 2010, the regulations governing the Northeast multispecies fishery were substantially revised as part of Amendment 16 to the Northeast Multispecies Fishery Management Plan, which continue efforts to conserve fish stocks. These revisions were based on new stock assessment data that revealed many stocks continue to be overfished and require	Published - 77 FR 26129

May 8, 2012

Department of Commerce Progress Report for EO 13563

			<p>catch. Amendment 16 to the multispecies fishery management plan implemented several “universal exemptions” for all sectors. In addition to these exemptions, this rule provides a total of 20 additional exemptions to the Northeast multispecies regulations, as requested in the 2012 operations plans.</p>		<p>substantial reductions in effort to rebuild. This action also included other revisions intended to reduce adverse economic impacts of recent reductions in fishing effort through the expansion of sector management, including the approval of several novel exemptions, and measures designed to improve the economic efficiency of vessel operations.</p> <p>Based on updated scientific information, the final Framework 47 rule and the Gulf of Maine cod interim final rule revised the catch limits for several stocks. Many of the stock’s catch limits are increasing.</p> <p>Based on concerns about the costs of monitoring measures implemented under Amendment 16, Framework 45 delayed the requirement for industry to pay for dockside monitoring until fishing year 2013. This saves industry approximately \$660,000 in fishing year 2012. Further this action continues to exempt certain permit categories from dockside monitoring requirements due to the high cost of monitoring relative to the small scale of the affected permit categories.</p>	
NOAA	0648-XA913	Emergency Rule to Increase Fishing Year 2011 Gulf of Maine Winter Flounder Annual	This emergency action under the Northeast Multispecies Plan temporarily increased the catch limits for Gulf of Maine winter flounder for the remainder of the 2011 fishing year, based on the	02/07/ 2012 through 04/30/ 2012	The primary benefit of the revised catch limits in this action was expected to be associated with reducing the likelihood that restrictive measures would be triggered for the fishery precluding access to other	Published - 77 FR 7000

May 8, 2012

Department of Commerce Progress Report for EO 13563

		Catch Limit	results of a new assessment for this stock. This action provided temporary relief from outdated restrictions until new catch limits could be made permanent in a subsequent action starting with fishing year 2012 (May 1, 2012).		stocks. Due to the increased amount of Gulf of Maine winter flounder catch allowed under this emergency action, the revised Gulf of Maine winter flounder annual catch limit also represented an increase of potential revenue of as much as \$1.2 million. Additional revenue could also be generated from increased catch of other stocks due to the revised Gulf of Maine winter flounder catch limits.	
NOAA	0648-BB35	Exempted Fishery for the Southern New England Skate Bait Trawl Fishery	NMFS proposes to modify the Northeast Multispecies Fishery Management Plan to allow vessels issued a Federal skate permit and a Skate Bait Letter of Authorization to fish for skates in a portion of Southern New England from July through October of each year, outside of the multispecies days-at-sea program. This action would allow vessels to harvest skates in a manner that is consistent with the bycatch reduction objectives of the Northeast Multispecies Plan.	04/27/2012	The proposed exemption would allow vessels to target skate bait outside of the days-at-sea program in a portion of southern New England, which would prevent calculated northeast multispecies discards from being deducted from a sector's annual catch entitlement at a higher rate than is actually occurring. The Environmental Assessment for this proposed action estimates that the exemption could save the fleet approximately \$24,490 a year in discards and days-at-sea alone.	Published - 77 FR 25117

BIS

Agency or Sub-agency	RIN/OMB Control Number	Title of Rule	Actual/Target Completion Date	Anticipated Savings in costs and/or information collection burdens and anticipated changes in benefits	Progress updates and anticipated accomplishments
BIS	0694-AF03	Export Control Reform Initiative: Strategic Trade Authorization License Exception	06/16/2011 76 FR 35276	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.	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, comparing pre-STA license applications and shipments with post-STA data. Based on the analysis, OTE found that from July 2011 to February 2012, 47 exporters have conducted 265 shipments under STA worth \$19.2 million. In addition, approved license applications for STA-eligible items decreased 11% from 3,110 to 2,761 between 2010 and 2011. OTE continues to track STA exports and license applications.
BIS	0694-AF17	Proposed Revision to the Export Administration Regulations (EAR): Control of Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)	07/15/2011 76 FR 41958	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	Public comment period closed on September 13, 2011. Comments generally supported the concept and offered numerous specific suggestions currently under review.

May 8, 2012

Department of Commerce Progress Report for EO 13563

				Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.	
BIS	0694-AF36	Proposed Revision to the Export Administration Regulations (EAR): Control of Aircraft and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)	11/07/2011 76 FR 68675	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 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.	Public comment period closed on December 22, 2011. Comments generally supported the concept and offered numerous specific suggestions currently under review.
BIS	0694-AF41	Revisions to the Export Administration Regulations (EAR): Control of Gas Turbine Engines and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)	12/06/2011 76 FR 76072	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 registration (1405-0002). State registration and licensing fees are not required for Commerce items. Benefits include reduced burden on	Public comment period closed on January 20, 2012. Comments generally supported the concept and offered numerous specific suggestions currently under review.

May 8, 2012

Department of Commerce Progress Report for EO 13563

				exporters due to more flexible Commerce licensing regime; eased interoperability with close allies; enhanced defense industrial base; and greater clarity with respect to jurisdiction.	
BIS	0694-AF17	Revisions to the Export Administration Regulations (EAR): Control of Military Vehicles and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List	12/06/2011 76 FR 76085	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.	Public comment period closed on January 20, 2012. Comments generally supported the concept and offered numerous specific suggestions currently under review.
BIS	0694-AF42	Revisions to the Export Administration Regulations (EAR): Control of Vessels of War and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List (USML)	12/23/2011 76 FR 80282	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	Public comment period closed on February 6, 2012. Comments generally supported the concept and offered numerous specific suggestions currently under review.

May 8, 2012

Department of Commerce Progress Report for EO 13563

				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.	
BIS	0694-AF39	Revisions to the Export Administration Regulations (EAR): Control of Submersible Vessels, Oceanographic Equipment and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List (USML)	12/23/2011 76 FR 80291	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.	Public comment period closed on February 6, 2012. Comments generally supported the concept and offered numerous specific suggestions currently under review.
BIS	0694-AF17	Revisions to the Export Administration Regulations (EAR): Export Control Classification Number 0Y521 Series, Items Not Elsewhere Listed on the Commerce Control List (CCL)	04/13/2012 77 FR 22191	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.	Final rule. Originally proposed in the 7/15/11 rule (76 FR 41958).
BIS	0694-AF53	Revisions to the Export Administration Regulations (EAR): Control of Energetic Materials and Related Articles the President Determines No Longer	05/02/2012 77 FR 25932	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	Public comment period will close on June 18, 2012.

May 8, 2012

Department of Commerce Progress Report for EO 13563

		Warrant Control Under the United States Munitions List (USML)		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.	
--	--	---	--	--	--

May 8, 2012

Department of Commerce Progress Report for EO 13563

USPTO

Agency /Sub-Agency	RIN /OMB Control Number	Title of Initiative/ Rule/ICR	Brief Description	Actual or Target Completion Date	Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits	Progress updates and anticipated accomplishments
USPTO	TBD	Advanced Notice of Proposed Rulemaking (ANPRM)	<p>This ANPRM would notify the public that the USPTO is considering revising its regulations to ease burdens and realize cost savings. 37 C.F.R. 1.52 concerns specifications for paper and CD-ROM submissions to the USPTO, and has not been revised in more than a decade. 37 C.F.R. 1.121 concerns making amendments in patent applications. 37 C.F.R. 1.97 and 1.98 concern information disclosure statements.</p> <p>The ANPRM would solicit ideas from the public concerning improvements that could be made to these regulations in order to ease burdens and provide cost savings to patent applicants.</p>	Mid-2012	<p>Cost savings and benefits cannot be quantified at this time, but many of these rules impact all applicants who file patent applications with the USPTO, and even small improvements to the regulations could result in significant cost savings and benefits given the large number of annual applications. The USPTO plans to publish the ANPRM in order to engage the public as early as possible and seek specific ideas from the user community about improvements to these regulations that would provide them cost savings and other benefits.</p>	<p>This ANPRM will be drafted and published in the <i>Federal Register</i> by mid-2012.</p>
USPTO	TBD	Notice of Proposed Rulemaking (NPRM)	<p>Sec. 10 of the Leahy-Smith America Invents Act (AIA) gives the USPTO authority to set or adjust all of its fees. The USPTO is working on this</p>	2012	<p>Sec. 10 of the AIA provides that fees can be set or adjusted to recover aggregate estimated costs to the USPTO. In conducting the work to set and</p>	<p>It is anticipated that this NPRM will be published in the summer of 2012, and that fee setting</p>

May 8, 2012

Department of Commerce Progress Report for EO 13563

			process now and anticipates publishing an NPRM setting forth the proposed fee adjustments and underlying analysis in 2012 and seeking public input on these proposals.		adjust fees under Sec. 10, the USPTO has considered many of the principles set forth in EO 13563, including public input and cost/benefit analysis, has conducted cost/benefit analyses of the fee structure, and has examined fee-setting options and how they would impact the user community.	under Sec. 10 of the AIA will be accomplished in 2013.
--	--	--	--	--	--	--