

industry constitute good cause under 46 CFR 540.5 and 46 CFR 540.9(l) for the Commission to consider alternative forms of financial protection using a shorter period to determine the amount of PVOs' financial responsibility.

PVOs eligible under 46 CFR 540.9(l) (*i.e.*, those whose UPR at no time during the two immediately prior fiscal years has exceeded 150% of the cap (currently \$32 million)) are therefore encouraged to submit a request to the Director of the Bureau of Certification and Licensing (BCL) to substitute alternative forms of evidence of financial responsibility for nonperformance with a lower coverage amount based on UPR determined over a shorter period of time. In accordance with 46 CFR 540.9(l), such requests should include copies of the requesting PVO's most recently available annual and quarterly financial and income statements, as well as any other supporting documentation. *See* 46 CFR 540.9(l)(3). The Commission intends to review such requests with greater flexibility considering the unprecedented economic effects of COVID-19 to the cruise industry.

In particular, the Commission will look favorably on requests for alternative forms of evidence of financial responsibility that are based upon 110% of the PVO's previous month's UPR, provided that: (1) The PVO agrees to comply with individual reporting requirements imposed by the Director of BCL regarding the submission of satisfactory documentation demonstrating the PVO's UPR on a monthly basis;² and (2) if the PVO fails to comply with the requirements and conditions of the alternative form of evidence of financial responsibility, the PVO will once again be subject to the generally applicable financial responsibility requirements and coverage amounts under part 540.³ The Director of BCL is delegated the authority to grant such requests. Requests for other types of alternative forms of evidence of financial responsibility, other than those described in 46 CFR 501.26(d),⁴ will

continue to be reviewed by the Commission.

The Commission will maintain this policy as long as it determines that COVID-19's negative effects on the cruise industry continue and may maintain the policy after the expiration of the CDC's "No Sail Order" but in no case shall this policy terminate prior to the 1st of April 2021.

PVOs with any questions or concerns are encouraged to contact the Commission's Bureau of Certification and Licensing by email at bcl@fmc.gov or phone at 202-523-5787.

III. Regulatory Analyses and Notices

Administrative Procedure Act

The Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) excludes the following types of rules from the notice-and-comment requirement: Interpretative rules; general statements of policy; rules of agency organization, procedure, or practice; or when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to public interest. *See* 5 U.S.C. 553(b). This is a general statement of policy that is exempt from many of the procedural rulemaking requirements of the APA, including the requirements for prior notice, an opportunity for comment, and a delay between the issuance of a final rule and its effective date.

Congressional Review Act

This policy statement is not a "major rule" as defined by the Congressional Review Act, codified at 5 U.S.C. 801 *et seq.* The policy will not result in: (1) An annual effect on the economy of \$100,000,000 or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies. 5 U.S.C. 804(2).

Regulatory Flexibility Act

The Regulatory Flexibility Act (codified as amended at 5 U.S.C. 601-612) provides that whenever an agency promulgates a final rule after being required to publish a notice of proposed rulemaking under the APA (5 U.S.C. 553), the agency must prepare and make available a final regulatory flexibility analysis describing the impact of the rule on small entities or the head of the

protection available to purchases of passenger vessel transportation by credit card by an amount up to fifty (50) percent of the passenger vessel operator's highest two-year unearned passenger revenues. *See* 46 CFR 501.26(d).

agency must certify that the rule will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 604-605. As indicated above, this policy statement is not subject to the APA's notice-and-comment requirements, and the Commission is not required to either prepare a regulatory flexibility analysis or certify that the final rule would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521) requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before collecting information from the public. 44 U.S.C. 3507. The agency must submit collections of information in rules to OMB in conjunction with the publication of the notice of proposed rulemaking. 5 CFR 1320.11. This policy statement, however, does not contain any new collections of information, as defined by 44 U.S.C. 3502(3) and 5 CFR 1320.3(c).

By the Commission.

Rachel Dickon,
Secretary.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS-R7-MB-2020-0008;
FXMB12610700000-201-FF07M01000]

RIN 1018-BE24

Migratory Bird Subsistence Harvest in Alaska; Region-Specific Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, are adopting as a final rule an interim rule that went into effect on April 2, 2020, establishing migratory bird subsistence harvest regulations in Alaska for the 2020 season and beyond. These regulations, which are subject to annual review, allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. For the reasons given in the interim rule and in this document, we are adopting the

² In accordance with § 540.9(l)(8), the Commission or BCL may request additional information from a PVO whose request under this section has been granted. Under this authority, BCL may establish individual reporting requirements for each PVO whose request is granted in order to monitor their UPR and ensure that the amount covered by the financial instrument (or instruments) remains adequate.

³ In addition, failure to comply with the conditions of an approved request for an alternative form of evidence of financial responsibility may result in the suspension or revocation of the PVO's certificate under 46 CFR 540.26(b)(2) and (3).

⁴ The Director of BCL is delegated the authority to grant requests to substitute alternative financial responsibility under § 540.9(l) based upon existing

interim rule as a final rule without change.

DATES: The effective date for the interim rule that published April 2, 2020, at 85 FR 18455, is affirmed as April 2, 2020.

ADDRESSES: Documents pertaining to this rulemaking action are available on the internet at the Federal eRulemaking Portal: <http://www.regulations.gov> at Docket No. FWS-R7-MB-2020-0008.

FOR FURTHER INFORMATION CONTACT: Eric J. Taylor, U.S. Fish and Wildlife Service, 1011 E Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 903-7210.

SUPPLEMENTARY INFORMATION:

Background

On April 2, 2020, we, the U.S. Fish and Wildlife Service, published an interim rule in the **Federal Register** revising regulations in title 50 of the Code of Federal Regulations (CFR) in part 92 (85 FR 18455). These regulations pertain to the take of migratory birds in Alaska for subsistence uses during the spring and summer, when sport hunting of migratory birds is not allowed. Prior to the interim rule, the regulations in 50 CFR part 92, subpart D, were last amended April 3, 2019 (84 FR 12946).

We derive our authority to issue these regulations from the Migratory Bird Treaty Act of 1918 (MBTA), at 16 U.S.C. 712(1), which authorizes the Secretary of the Interior, in accordance with the treaties with Canada, Mexico, Japan, and Russia, to issue regulations to ensure that “the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.” Per the MBTA, the normal season for the subsistence harvest of migratory birds in Alaska begins on April 2 each year.

The provisions of the interim rule were the current regulations at § 92.31, with one change. These provisions were also set forth in rules issued in 2017, 2018, and 2019. In response to those rulemaking actions, no significant controversy was raised during the public comment periods.

Public Comments

We solicited public comments on the interim rule until April 13, 2020. By the close of the comment period, we received two comments. One comment was outside the scope of this rulemaking action, and the other comment expressed opposition to the

rule because it allows the killing of birds.

Service Response: For centuries, indigenous inhabitants of Alaska have harvested migratory birds for subsistence purposes during the spring and summer months. The U.S. treaties with Canada and Mexico were amended for the express purpose of allowing subsistence hunting for migratory birds during these months. Consequently, as discussed above, the MBTA also provides for the issuance of regulations to allow such hunting; see 16 U.S.C. 712(1). Therefore, this rule furthers a legitimate purpose as set forth in international treaties and U.S. law.

Related Rulemaking

As stated in the interim rule, the migratory bird subsistence harvest regulations are developed cooperatively. The Alaska Migratory Bird Co-Management Council consists of the U.S. Fish and Wildlife Service, the Alaska Department of Fish and Game, and representatives of Alaska’s Native population. The Council’s primary purpose is to develop recommendations pertaining to the subsistence harvest of migratory birds.

The Council recommended changes to the subsistence harvest regulations in 2018 and 2019. Therefore, in a related rulemaking action (RIN 1018-BF12, Docket No. FWS-R7-MB-2020-0022), we are taking action to revise § 92.31 as recommended by the Council.

Required Determinations

We hereby affirm our responses to the following determinations required of the Federal rulemaking process as published in the April 2, 2020, interim rule (85 FR 18455):

- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, 13563, and 13771
- Regulatory Flexibility Act and Small Business Regulatory
- Enforcement Fairness Act (5 U.S.C. 601 *et seq.* and 804(2))
- Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*)
- Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)
- National Environmental Policy Act (42 U.S.C. 4321 *et seq.*)
- Government-to-Government Relations with Native American Tribal Governments (59 FR 22951, and 512 DM 2)

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Affirmation of Interim Rule

Accordingly, the Department of the Interior affirms as a final rule, without

change, the interim rule amending 50 CFR part 92 that was published at 85 FR 18455 on April 2, 2020.

Authority: 16 U.S.C. 703–712.

George Wallace,
Assistant Secretary for Fish and Wildlife and Parks.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200807–0210]

RIN 0648–BJ54

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Fishing Year 2020 Recreational Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule; request for comments.

SUMMARY: This rule sets fishing year 2020 recreational management measures for Gulf of Maine cod and haddock. This action is necessary to respond to updated catch and other scientific information. The measures are intended to ensure the recreational fishery achieves, but does not exceed, fishing year 2020 catch limits.

DATES: This action is effective August 13, 2020. Comments must be received on or before September 14, 2020.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2020–0105, by the following method:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0105,
2. Click the “Comment Now!” icon, complete the required fields, and
3. Enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.),