

point reviews, and to better align schedules to meet statutory timelines in section 304(e) and (i) of the MSA (16 U.S.C. 1854(e) and (i)) for making recommendations for domestic regulations and international measures when stocks are determined to be overfished or subject to overfishing. Additionally, this rule's proposed revisions to 50 CFR 660.709 would ensure that the meeting schedule is not codified in regulations, thus allowing the Council to make changes to the schedule for its meetings in the biennial management cycle, consistent with the HMS FMP, without needing to seek a change in the regulatory language. Allowing the Council to make this type of adjustment without seeking a regulatory change improves the efficiency with which future changes to the biennial management cycle can be implemented.

### Proposed Regulations

This proposed rule would amend 50 CFR 660.709 to update the descriptions of biennial management cycle activities under the HMS FMP and shift the schedule of Council meetings from June, September, and November to September, November, and March by referring to the schedule specified in the HMS FMP. Thus, the proposed regulations remove the need to make future schedule changes to the Council's biennial management cycle through a rulemaking.

### Classification

Pursuant to section 304 (b)(1)(A) of the MSA (16 U.S.C. 1854(b)(1)(A)), the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 4 to the HMS FMP, other provisions of the MSA, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. For Regulatory Flexibility Act (RFA) purposes only, NMFS has established a size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation

(including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. However, this proposed rule to revise regulations at 50 CFR 660.709, consistent with Amendment 4 to the HMS FMP, is administrative in nature and will not directly affect the operations of any businesses, small or large, that are authorized to catch finfish under the HMS FMP. Because the proposed action does not include revisions to stock status determination criteria (*i.e.*, minimum stock size thresholds or maximum fishing mortality thresholds) used to determine whether management unit species of the HMS FMP are subject to overfishing or are overfished, the proposed action will not directly affect fishing activities authorized under the HMS FMP or the harvest levels of these fisheries. Therefore, there are no significant economic impacts on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

There are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act; however, existing collection-of-information requirements associated with the HMS FMP still apply. These requirements have been approved by the Office of Management and Budget (OMB control numbers 0648-0204, 0648-0223, 0648-0361, 0648-0498). Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

### List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 22, 2018.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

### PART 660—FISHERIES OFF WEST COAST STATES

#### Subpart K—Highly Migratory Fisheries

■ 1. The authority citation for part 660, subpart K, continues to read as follows:

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

■ 2. In § 660.709, remove paragraphs (a)(2) and (a)(3), redesignate paragraph (a)(4) as (a)(2), and revise paragraphs (a)(1) and (d) to read as follows:

#### § 660.709 Annual specifications.

(a) *Procedure.* (1) Each year, the HMSMT will deliver a stock assessment and fishery evaluation report to the Council for all HMS with any necessary recommendations for harvest guidelines, quotas or other management measures to protect HMS, including updated maximum sustainable yield (MSY) and optimum yield (OY) estimates based on the best available science. The Council's Scientific and Statistical Committee may review the estimates and make a recommendation on their suitability for management. As described in the fishery management plan, the Council will periodically review these recommendations and decide whether to adopt updated numerical estimates of MSY and OY, which are then submitted as recommendations for NMFS to review as part of the management measures review process.

\* \* \* \* \*

(d) Irrespective of the normal review process, the Council may propose management action to protect HMS at any time. The Council may adopt a management cycle different from the one described in the fishery management plan provided that such change is made by a majority vote of the Council and a 6-month notice of the change is given.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 160908833-7999-01]

RIN 0648-BG34

#### Requirements of the Vessel Monitoring System Type-Approval; Reopening of Public Comment Period

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

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** The National Marine Fisheries Service is reopening the public comment period on the proposed rule on requirements of the Vessel

Monitoring System Type-Approval that published on December 5, 2017. The comment period ended on January 4, 2018. NMFS did not receive any comments on the original proposed rule and has decided to re-open the comment period for 30 days to provide additional opportunity for informed public comment.

**DATES:** The deadline for comments on the proposed rule published at 82 FR 57419 has been reopened from February 27, 2018 to March 29, 2018.

**ADDRESSES:** You may submit comments on the proposed rule, as published on December 5, 2017 (82 FR 57419), identified by “NOAA–HQ–2017–0141” by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov#!docketDetail;D=NOAA-HQ-2017-0141>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Send written comments to Kelly Spalding, 1315 East West Highway, Room 3207, Silver Spring, MD 20910.

*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](http://www.regulations.gov) without change. All personally identifiable information (e.g.: name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Kelly Spalding, Vessel Monitoring System Program Manager, Headquarters: 301–427–8269 or [Kelly.spalding@noaa.gov](mailto:Kelly.spalding@noaa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 5, 2017, NMFS published in the **Federal Register** (82 FR 57419) a proposed rule on NMFS’s proposed amendment to remove two sections of 50 CFR part 600, subpart Q, that require VMS type-approval holders (VMS vendors) to periodically renew their type-approvals. Currently, § 600.1512 of the VMS type approval regulations provides that type-approvals are valid for three years from the date on which NMFS publishes a notice in

the **Federal Register** of the approval. Section 600.1513 requires that prior to the expiration of the three-year type-approval period, the VMS vendor must comply with the procedure set out for type-approval renewal. NMFS has found that the renewal process is unnecessary, has cost fishermen and approved VMS vendors additional time and expense, and has imposed unnecessary cost on the government and is therefore proposing to remove the renewal requirement from 50 CFR 600, Subpart Q. NMFS refers the reader to the December 5, 2017 proposed rule (82 FR 57419) for background information concerning the proposed rule as this notice does not repeat the information contained therein.

##### **Public Comment Reopening**

NMFS will re-open the comment period for 30 days to provide additional opportunity for informed public comment.

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

Dated: February 22, 2018.

**Samuel D. Rauch III,**  
*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

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