

recommendation to the Secretary and to outline both the decision-making process that will be used and potential outcomes of the non-compliance review. If the Secretary determines that Virginia failed to carry out its responsibilities under the Coastal Atlantic Menhaden Interstate Fishery Management Plan, and if the measures it failed to implement are necessary for conservation of the fishery, then, according to the Atlantic Coastal Fisheries Cooperative Management Act, the Secretary must declare a moratorium on fishing for Atlantic menhaden in Virginia waters.

**DATES:** The Secretary intends to make a determination on this matter on or about December 17, 2019, and will publish its finding in the **Federal Register** immediately thereafter.

**FOR FURTHER INFORMATION CONTACT:** Derek Orner, Fishery Management Specialist, (301) 427-8567, [derek.orn@noaa.gov](mailto:derek.orn@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Atlantic States Marine Fisheries Commission (Commission) developed Amendment 3 to the Atlantic Menhaden Interstate Fishery Management Plan (ISFMP) to pursue the development of ecological reference points (which consider the ecological role of menhaden in regards to management of the species) and to establish an allocation method which provides fair and equitable access to all participants in the fishery. Amendment 3 contained a management program designed to account for the multiple roles menhaden play, both in supporting fisheries and the marine ecosystem. Issues included in Amendment 3 included: Reference points; Allocation methods and timeframes; Quota transfers and rollovers; Incidental catch; Episodic events programs; and Chesapeake Bay total removals. Specifically, the Commission required Virginia to implement a total allowable harvest from the Chesapeake Bay that would not exceed 51,000 mt. Amendment 3 was approved in the fall 2017, and was to be fully implemented by the Commonwealth of Virginia for the 2018 fishing season. Virginia, however, did not implement the Commission's recommended 51,000 mt cap and instead maintained its pre-existing 87,216 mt cap. Atlantic menhaden in Virginia are managed by the legislature and not the Virginia Marine Resources Commission, which manages all other Virginia fishery species. The Virginia delegation to the Commission agreed it was out of compliance and voted for a non-compliance finding at the Commission's

Atlantic Menhaden and Policy Boards as well as the Commission's Business Section. On October 31, 2019, the Commission found the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing the Amendment 3 measures. The Commission notified the Secretary of its non-compliance finding by letter on November 15, 2019.

Federal response to a Commission non-compliance referral is governed by the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act). Under the Atlantic Coastal Act, the Secretary must make two findings within 30 days after receiving the non-compliance referral. First, the Secretary must determine whether the state in question (in this case, the Commonwealth of Virginia) has failed to carry out its responsibilities under the ISFMP. Second, the Secretary must determine whether the measures that the State has failed to implement or enforce are necessary for the conservation of the fishery in question. If the Secretary determines that Virginia has failed to carry out its responsibilities under the ISFMP, and if the measures it failed to implement are necessary for conservation, then, according to the Atlantic Coastal Act, the Secretary must declare a moratorium on Atlantic menhaden fishing in Virginia waters. Further, the moratorium must become effective within six months of the date of the Secretary's non-compliance determination. If Virginia is found out of compliance by the Secretary and later implements Amendment 3 measures, the Atlantic Coastal Act allows the state to petition the Commission that it has come back into compliance. If the Commission concurs that Virginia has come into compliance, the Commission will notify the Secretary. If the Secretary concurs, the moratorium will be withdrawn.

NMFS has notified Virginia, the Commission, and the applicable Fishery Management Councils in separate letters, of its receipt of the Commission's non-compliance referral. NMFS solicits comments from the Commission and Councils to the extent either is interested in providing comments on the non-compliance referral. NMFS also indicated to Virginia that it is entitled to meet with and present its comments directly to NMFS, if so desired.

The Secretary intends to make its non-compliance determination, including supporting rationale, on or about December 17, 2019, which is 30 days after receipt of the Commission's non-compliance referral. NMFS will

announce its determination by **Federal Register** notice immediately thereafter. To the extent that the Secretary makes an affirmative non-compliance finding, NMFS will announce the effective date of the moratorium in that **Federal Register** notice.

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

Dated: November 25, 2019.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XV086]

#### Determination of Overfishing or an Overfished Condition

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

**ACTION:** Notice.

**SUMMARY:** This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that Oregon cabezon is now subject to overfishing and Atlantic bluefish is now overfished. NMFS, on behalf of the Secretary, notifies the appropriate regional fishery management council (Council) whenever it determines that overfishing is occurring, a stock is in an overfished condition, or a stock is approaching an overfished condition.

**FOR FURTHER INFORMATION CONTACT:** Regina Spallone, (301) 427-8568.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2), NMFS, on behalf of the Secretary, must notify Councils, and publish in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

NMFS has determined that the Oregon stock of cabezon is now subject to overfishing. Catch data from 2017 for Oregon cabezon, finalized in 2019, supports a determination that the stock is subject to overfishing because total catch in 2017 slightly exceeded the overfishing level. NMFS has informed the Pacific Fishery Management Council that it must set appropriate annual catch limits to end and prevent overfishing for this stock.

NMFS has also determined that Atlantic bluefish is now overfished. The most recent assessment for bluefish, finalized in 2019 and using data through 2018, indicates that the stock is overfished because the spawning stock biomass is less than the minimum stock size threshold. This assessment incorporated new data from the Marine Recreational Information Program which revised our understanding of the level of recreational catch, spawning stock biomass, fishing mortality, and recruitment. The new data indicate that bluefish spawning stock biomass has been below the overfished threshold since 2014. NMFS has informed the Mid-Atlantic Fishery Management Council that it must develop a rebuilding plan for this stock.

Dated: November 22, 2019.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* West Coast Region Groundfish Electronic Fish Ticket Program.

*OMB Control Number:* 0648-0738.

*Form Number(s):* None.

*Type of Request:* Regular submission (extension of a currently approved collection).

*Number of Respondents:* 145.

*Average Time per Response:* Electronic fish tickets/IFQ First Receiver submissions: 10 minutes; Electronic fish tickets/IFQ First Receiver Pacific whiting disposition recordkeeping: 1 minute; Electronic fish ticket submission: 2 minutes.

*Burden Hours:* 566 hours.

*Needs and Uses:* As part of its fishery management responsibilities, the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) collects information to determine the amount and type of groundfish caught by fishing vessels. Electronic fish tickets

are submissions of landings data from the first receiver to the Pacific States Marine Fisheries Commission (PSMFC) and NMFS. This collection supports requirements for participants of the Pacific Coast shorebased commercial groundfish fisheries, including the shorebased Individual Fishing Quota (IFQ) program, the limited entry fixed gear fishery, and the open access fixed gear fishery, to account for all landed catch and to transmit electronic catch data used to manage the catch allocations and limits. NMFS may use this data for general purpose statistics and program evaluation.

*Affected Public:* Primary respondents are businesses or other for-profit organizations (e.g., groundfish fishermen, fishing companies, partnerships, and shorebased first receivers), individuals or households, and state fisheries agencies.

*Frequency:* Reporting occurs concurrently with fishing landings, which could range from occasionally to daily depending on the frequency of fishing throughout the season.

*Respondent's Obligation:* Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA\_Submission@omb.eop.gov* or fax to (202) 395-5806.

**Sheleen Dumas,**

*Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.*

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## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2019-0033]

### CPSC Forum on Crib Bumpers

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Announcement of meeting.

**SUMMARY:** The Consumer Product Safety Commission (CPSC) is announcing a public forum on crib bumpers. We invite interested parties to attend the forum and make presentations.

**DATES:** The forum will begin at 10:00 a.m. on January 22, 2020. The Commission forum also will be available through webcast. However, viewers will not be able to interact with

the panels and presenters through the webcast. Individuals interested in presenting information at the forum should submit a summary of their presentation, as well as a brief biography, by January 6, 2020. Written comments will be received until February 25, 2020.

**ADDRESSES:** The forum will be held in the Hearing Room at CPSC's headquarters at 4330 East West Highway, Bethesda, MD 20814. There is no charge to attend the forum.

Requests to make oral presentations, and the texts of oral presentations should be captioned: "CPSC Forum on Crib Bumpers," and sent by email to *cpsc-os@cpsc.gov*, or mailed or delivered to the Division of the Secretariat, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, no later than 5 p.m. on January 6, 2020.

You may submit written comments, identified by Docket No. [CPSC-2019-0033], by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: *www.regulations.gov*. Follow the instructions for submitting comments. The Commission does not accept comments submitted by email, except through *www.regulations.gov*. The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Paper Submissions:* Send paper submissions by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone (301)-504-7923.

*Instructions:* All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *www.regulations.gov*. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in accordance with the directions for paper submissions above.

*Docket:* For access to the docket to read comments received, go to: *www.regulations.gov*, and insert the docket number CPSC-2019-0033 into the "Search" box, and follow the prompts.