

TABLE 1—PROPOSED ACTION ON LOUISIANA INFRASTRUCTURE SIP SUBMITTALS FOR THE 2015 OZONE NAAQS UNDER CAA SECTION 110(a)(2)(A)–(M)—Continued

Element	2015 O <sub>3</sub>
(D)(i)(II): Prohibit emissions to other states which will (3) interfere with PSD requirements	A
(D)(i)(II): Prohibit emissions to other states which will (4) interfere with visibility protection	NA
(D)(ii): Interstate Pollution Abatement and International Air Pollution	A
(E)(i): Adequate resources	A
(E)(ii): State boards	A
(E)(iii): Necessary assurances with respect to local agencies	A
(F): Stationary source monitoring system	A
(G): Emergency power	A
(H): Future SIP revisions	A
(I): Nonattainment area plan or plan revisions under part D	+
(J)(i): Consultation with government officials	A
(J)(ii): Public notification	A
(J)(iii): PSD	A
(J)(iv): Visibility protection	+
(K): Air quality modeling and data	A
(L): Permitting fees	A
(M): Consultation and participation by affected local entities	A

Key to Table:

- A—Approve;
- +—Not germane to infrastructure SIPs
- NA—No action. EPA will take future action in a separate rulemaking action.

Based upon our review of these infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in the State’s submissions or referenced in the Louisiana SIP, the EPA finds that Louisiana has the infrastructure in place to address required elements of CAA sections 110(a)(2)(A)–(C), (D)(i)(II) sub-element 3, (D)(ii)–(H), and (J)–(M) to ensure that the 2015 ozone NAAQS is implemented throughout the State of Louisiana.

**IV. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve SIP submissions that comply with provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions

of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
  - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
  - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
  - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
  - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not

impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Ozone, Incorporation by reference, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: February 24, 2020.

**Kenley McQueen,**

*Regional Administrator, Region 6.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

**RIN 0648–BJ20**

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 51**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Gulf of Mexico (Gulf) Fishery Management Council (Council) has submitted Amendment 51 to the Fishery Management Plan for the Reef

Fish Resources of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. If approved by the Secretary of Commerce (Secretary), Amendment 51 would establish and modify status determination criteria and harvest levels for the gray snapper stock. The purposes of Amendment 51 are to end overfishing of gray snapper and achieve optimum yield (OY) for the stock.

**DATES:** Written comments must be received by April 28, 2020.

**ADDRESSES:** You may submit comments on Amendment 51 identified by "NOAA-NMFS-2019-0116" by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0116](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0116), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit all written comments to Peter Hood, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

*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 personal identifying information (e.g., name, address), 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).

Electronic copies of Amendment 51, which includes an environmental assessment, a fishery impact statement, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from [www.regulations.gov](http://www.regulations.gov) or the Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/amendment-51-establish-gray-snapper-status-determination-criteria-and-modify-annual-catch>.

**FOR FURTHER INFORMATION CONTACT:** Peter Hood, NMFS Southeast Regional Office, telephone: 727-824-5305, email: [peter.hood@noaa.gov](mailto:peter.hood@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or amendment to NMFS for review and approval, partial

approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment.

The Council prepared the FMP being revised by Amendment 51, and, if approved, Amendment 51 would be implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

### Background

Gray snapper in the Gulf exclusive economic zone (EEZ) are managed as a single stock with a stock annual catch limit (ACL), and a stock annual catch target (ACT). There is no allocation between the commercial and recreational sectors. Gray snapper occur in estuaries and shelf waters of the Gulf, and are particularly abundant off south and southwest Florida.

Generally, the fishing season is open year-round, January 1 through December 31. However, accountability measures (AMs) for gray snapper specify that if commercial and recreational landings exceed the stock ACL in a fishing year, then during the following fishing year if the stock ACL is reached or is projected to be reached, the commercial and recreational sectors will be closed for the remainder of the fishing year. The gray snapper ACL and AMs were implemented in 2012 (76 FR 82044; December 29, 2011) and the stock ACL of 2.42 million lb (1.1 million kg), round weight, was not exceeded between 2012 and 2018. A preliminary review of the most recent landings data suggest the ACL will also not be exceeded in 2019. However, landings in 2014 and 2016 did exceed the ACLs proposed in Amendment 51. Unless stated otherwise, all weights in this notice are described in round weight.

In 2018, the stock status of gray snapper was evaluated for the first time through a Southeast Data, Assessment, and Review benchmark stock assessment (SEDAR 51). SEDAR 51 was completed and reviewed by the Council's Scientific and Statistical Committee (SSC) in May 2018. The SSC accepted the gray snapper assessment as the best scientific information available and determined that the stock is experiencing overfishing as of 2015 because the fishing mortality rate (F) in 2015 was greater than the maximum fishing mortality threshold (MFMT). However, the SSC was not able to determine if the stock is overfished because the maximum sustainable yield (MSY) and minimum stock size

threshold (MSST) for gray snapper are not specified in the FMP.

### Actions Contained in Amendment 51

Amendment 51 includes actions to set the MSY, MSST, OY, and modify the MFMT, overfishing limit (OFL), acceptable biological catch (ABC), ACL and ACT for the gray snapper stock in the Gulf. Amendment 51 also updates the goals and objectives of the FMP.

#### Maximum Sustainable Yield

SEDAR 51 could not estimate the actual MSY with the best scientific information available. Therefore, the Council considered alternatives for an MSY proxy that uses the spawning potential ratio (SPR). The SPR is the ratio of the average number of eggs per fish over its lifetime when the stock is fished compared to the same value when the stock is not fished. The SPR assumes that a certain amount of fish must survive and spawn in order to replenish the stock. Analyses of stocks with various life histories suggest that, in general, MSY is most commonly associated with the yield when fishing at an F that corresponds to an SPR between 30 and 40 percent.

After reviewing the SEDAR 51 assessment, the SSC recommended that the MSY proxy be set at the yield when fishing at an F corresponding to 30 percent SPR ( $F_{30\%SPR}$ ), which is consistent with the current MFMT definition. However, the Council noted that the Gulf red snapper proxy is set at the yield when fishing at an F corresponding to 26 percent SPR ( $F_{30\%SPR}$ ), which allows for a larger yield at a given stock size. After further analyses and review, the SSC determined that the yield when fishing at  $F_{30\%SPR}$  is scientifically acceptable as a proxy for MSY, but maintained its previous recommendation of the more risk-averse MSY proxy using the yield when fishing at  $F_{30\%SPR}$  because of the uncertainty in the SEDAR 51 assessment.

The Council selected the yield when fishing at  $F_{30\%SPR}$  for the MSY proxy. This proxy is consistent with the MSY proxy used for red snapper, which has a similar life history to gray snapper. The Council selected this proxy to balance protection of the gray snapper stock with the increase in social and economic benefits for fishers targeting the species that is expected to result from allowing more harvest.

#### Status Determination Criteria

NMFS uses the MSST and MFMT to determine if a stock is overfished or undergoing overfishing, respectively. If the stock biomass falls below the MSST,

then the stock is considered overfished and the Council would then need to develop a rebuilding plan capable of returning the stock to a level that allows the stock to achieve MSY on a continuing basis. In years when there is a stock assessment, if fishing mortality exceeds the MFMT, a stock is considered to be undergoing overfishing because this level of fishing mortality, if continued, would reduce the stock biomass to an overfished condition. In years in which there is no assessment, overfishing occurs if landings exceed the OFL.

Currently, the MFMT is equal to  $F_{30\%SPR}$ . Because the MSY proxy selected in Amendment 51 is the yield when fishing at  $F_{30\%SPR}$ , the Council chose to modify the MFMT to be equal to  $F_{30\%SPR}$  for consistency. Under this definition, projections from SEDAR 51 suggest overfishing ended in 2017.

The MSST needs to be equal or less than the biomass (B) capable of producing MSY or MSY proxy ( $B_{MSY}$  (or  $MSY_{proxy}$ )). The closer the MSST value is to  $B_{MSY}$  (or  $MSY_{proxy}$ ), the more likely a stock could be declared overfished due to year-to-year fluctuations in stock biomass, resulting in an unneeded rebuilding plan. However, if MSST is set too low, then rebuilding the stock to MSY levels could result in more stringent management measures. Consistent with other reef fish stocks with a defined MSST (gag, red grouper, red snapper, vermilion snapper, gray triggerfish, greater amberjack, and hogfish), the Council selected the MSST for gray snapper as  $0.50 * B_{MSY}$  (or  $MSY_{proxy}$ ). The Council determined that because the Magnuson-Stevens Act requires ACLs and AMs to prevent overfishing, and that any overfishing be ended immediately, it is unlikely that sustained overfishing would occur and cause a stock to fall below the MSST. Under this MSST, the result of SEDAR 51 indicate that the gray snapper stock would not be overfished.

#### Optimum Yield

The Council determined that the OY should be the yield when fishing at 90 percent of  $F_{MSY}$  (or  $MSY_{proxy}$ ). This value would allow for more harvest over the long term and likely have greater social and economic benefits, although it provides less protection to the stock than other values considered (the yield when fishing at 50 and 75 percent of  $F_{MSY}$  (or  $MSY_{proxy}$ )). However, as noted previously, the ACLs and AM control yearly harvest and are designed to prevent overfishing.

#### Overfishing Limit, Acceptable Biological Catch, Annual Catch Limit, and Annual Catch Target

The current OFL, ABC, and ACL for gray snapper were established in the Generic ACL/AM Amendment using the Council's ABC control rule for stocks that have not been assessed, but are stable over time (76 FR 82044; December 29, 2011). The OFL is equal to 2.88 million lb (1.31 million kg), which is the mean plus 2.0 standard deviations of the annual landings from 1998 through 2008. The ABC is equal to 2.42 million lb (1.1 million kg), which is the mean plus 1.0 standard deviation of the annual landings from 1998 through 2008. The ACL is equal to the ABC, and the ACT is 14 percent less than the ACL at 2.08 million lb (0.9 million kg).

Amendment 51 would modify the OFL and ABC consistent with the projections from SEDAR 51 for the MSY proxy selected by the Council and the SSC recommendations. The OFLs would be 2.58 million lb (1.17 million kg) for 2020, and 2.57 million lb (1.166 million kg) for 2021 and subsequent fishing years. The ABCs would be 2.51 million lb (1.14 million kg) for 2020 and subsequent years. The Council then used its ACL/ACT control rule to determine that an 11 percent buffer between the ABCs and ACLs was appropriate to account for management uncertainty. This results in Gulf gray snapper stock ACLs that would be 2.24 million lb (1.02 million kg), round weight, for the 2020 fishing year. In 2021, and subsequent fishing years, the ACL would be set at 2.23 million lb (1.01 million kg), round weight.

The gray snapper ACT is not currently used for management purposes. Therefore, the Council decided not to set an ACT through Amendment 51.

#### Proposed Rule for Amendment 51

A proposed rule to implement Amendment 51 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule for Amendment 51 to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

#### Consideration of Public Comments

The Council has submitted Amendment 51 for Secretarial review, approval, and implementation. Comments on Amendment 51 must be received by April 28, 2020. Comments received during the respective comment

periods, whether specifically directed to Amendment 51 or the proposed rule, will be considered by NMFS in its decision to approve, partially approve, or disapprove Amendment 51. Comments received after the comment periods will not be considered by NMFS in this decision. All comments received by NMFS on Amendment 51 or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: February 25, 2020.

**Karyl K. Brewster-Geisz,**  
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 200219-0059]

RIN 0648-BJ35

#### Fisheries of the Exclusive Economic Zone Off Alaska; Modifying Seasonal Allocations of Pollock and Pacific Cod for Trawl Catcher Vessels in the Central and Western Gulf of Alaska

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues a proposed rule to implement Amendment 109 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) and to implement a regulatory amendment to the regulations governing pollock fishing in the Gulf of Alaska. This proposed rule will reduce operational and management inefficiencies in the Central Gulf of Alaska and Western Gulf of Alaska trawl catcher vessel pollock and Pacific cod fisheries by reducing regulatory time gaps between the pollock seasons, and changing Gulf of Alaska Pacific cod seasonal apportionments to allow greater harvest opportunities earlier in the year. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the GOA FMP, and other applicable laws.

**DATES:** Submit comments on or before March 30, 2020.