

the WA/OR/CA sablefish pot fishery that occurred in 2017. As noted in Carretta *et al.* 2021a, this non-serious injury is not counted against PBR and is not included in the M/SI estimates for the fishery. The accompanying MMPA 101(a)(5)(E) determination document has been updated to reflect the draft 2021 CA/OR/WA humpback whale SAR.

As noted above, the CA/OR/WA humpback whale SAR also includes unattributed fishery-related M/SI for the stock, which is not assigned to a specific commercial fishery. This unattributed fishery-related M/SI could be from any number of commercial, recreational or tribal fisheries, including the WA/OR/CA sablefish pot fishery. Because data are not currently available to assign the unattributed fishery-related M/SI to a specific commercial fishery, we did not include it in the calculations for the NID Tier 2 analysis. In addition, because the CA/OR/WA humpback whale stock is considered to be transboundary stock, NMFS assumed  $NIT_t$  is exceeded and conducted the more conservative Tier 2 analysis with the lower  $NIT_s$  criterion.

*Comment 8:* WDC/NRDC notes that the proposed permit uses a different abundance estimate for the CA/OR/WA stock of humpback whale than the abundance estimate in the final 2019 SAR. They state that NMFS has identified the Central America DPS as a demographically independent population (DIP) under the MMPA, and PBR should be calculated for the Central America DIP separately.

*Response:* See response to Comment #3 and #7 above. The abundance estimates for the CA/OR/WA stock of humpback whales used in the analysis for the proposed permit are consistent with the final 2019 SAR and the recent 2021 draft SAR. As noted in the response to comment #3, NMFS is in the process of revising humpback whale stock structure following the process laid out in NMFS (2019). This process includes evaluating the lines of evidence to support the delineation of DIPs, including whether such evidence supports the delineation of the Central America DPS as a DIP. Martien *et al.* (2019) does not serve as the DIP delineation document for the Central America DPS. In the analysis supporting issuance of this permit and the NID, NMFS relied on the existing MMPA designation of the CA/OR/WA stock of humpback whales. Nevertheless, if, during the 3-year authorization, there is a significant change in the information or conditions used to support any of these determinations, including a change in MMPA stock structure, NMFS will re-evaluate the permit.

*Comment 9:* WDC/NRDC reiterate their previous comments submitted on the NMFS' draft "Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E)." They restate that the approach to negligible impact determinations undermines the protections for marine mammals protected as threatened or endangered under the ESA, and assessing the impacts of a single fishery when total M/SI exceeds PBR is an inadequate standard. WDC/NRDC requests NMFS consider total human-caused M/SI for the humpback whale DPSs, and if all fisheries-related M/SI exceeds PBR for the Central America or Mexico DPS, that NMFS delay issuing the permit until mitigation measures are implemented.

*Response:* As previously stated (86 FR 24384; May 6, 2021), NMFS received several comments on the draft "Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E)" stating the directive was either overly precautionary or not precautionary enough. These comments were previously addressed in the response to comments (see Comment #4) on the draft "Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E)." The full response to comments on the procedural directive is available at: <https://www.fisheries.noaa.gov/action/criteria-determining-negligible-impact-under-mmpa-section-101a5e>.

As described in the "Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E)," due to the uncertainty regarding the M/SI that occurs outside of U.S. waters, we assume that total M/SI exceeds  $NIT_t$  for transboundary, migratory stocks and proceed directly to the Tier 2  $NIT_s$  analysis. The CA/OR/WA stock of humpback whale is considered a transboundary stock and using the "Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E)" a Tier 2  $NIT_s$  analysis was conducted.

#### References

- Carretta, J.W., K.A. Forney, E.M. Olson, D.W. Weller, A.R. Lang, J. Baker, M.M. Muto, B. Hanson, A.J. Orr, H. Huber, M.S. Lowry, J. Barlow, J.E. Moore, D. Lynch, and R.L. Brownell. 2021. Draft U.S. Pacific Marine Mammal Stock Assessments: 2021. NOAA-TM-NMFS-SWFSC-XXX.
- Carretta, J.W., J. Greenman, K. Wilkinson, J. Freed, L. Saez, D. Lawson, J. Viezbicke, and J. Jannot. 2021a. Sources of Human-related Injury and Mortality for U.S. Pacific West Coast Marine Mammal Stock Assessments, 2015–2019. U.S. Department of Commerce, NOAA Technical Memorandum NMFS–

SWFSC–643.

Martien, K.K., A.R. Lang, B.L. Taylor, P.E. Rosel, SE Simmons, E.M. Oleson, P.L. Boveng., and M.B. Hanson. 2019. The DIP Delineation Handbook: A Guide to Using Multiple Lines of Evidence to Delineate Demographically Independent Populations of Marine Mammals. NOAA Technical Memorandum NMFS–SWFSC–622, 135 p. Available at: <https://repository.library.noaa.gov/view/noaa/22660>.

National Marine Fisheries Service (NMFS). 2020. National Marine Fisheries Service Procedure 02–204–02: Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E). 20 p. Available online: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>.

National Marine Fisheries Service (NMFS). 2019. National Marine Fisheries Service Procedure 02–204–03: Reviewing and designating stocks and issuing Stock Assessment Reports under the Marine Mammal Protection Act. 9 p. Available online: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>.

National Marine Fisheries Service (NMFS). 2016. National Marine Fisheries Service Procedure 02–204–01: Guidelines for preparing stock assessment reports pursuant to the 1994 amendments to the Marine Mammal Protection Act. 23 p. Available online: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/guidelines-assessing-marine-mammal-stocks>.

National Marine Fisheries Service (NMFS). 2014. National Marine Fisheries Service Procedure 02–238–01: Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals. 42 p. Available online: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-policies-guidance-and-regulations>

Dated: December 2, 2021.

**Kimberly Damon-Randall,**

Director, Office of Protected Resources,  
National Marine Fisheries Service.

[FR Doc. 2021–26536 Filed 12–7–21; 8:45 am]

**BILLING CODE 3510–22–P**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[RTID 0648–XB623]

#### Marine Mammals; File No. 26024

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Ocean Futures Society, 513 De La Vina

Street, Santa Barbara, CA 93101 (Responsible Party: Jean-Michel Cousteau), has applied in due form for a permit to conduct commercial or educational photography on humpback whales (*Megaptera novaeangliae*), bottlenose dolphins (*Tursiops truncatus*), spinner dolphins (*Stenella longirostris*), and pantropical spotted dolphins (*S. attenuata*).

**DATES:** Written, telefaxed, or email comments must be received on or before January 7, 2022.

**ADDRESSES:** These documents are available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 26024 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Amy Hapeman or Carrie Hubbard, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film humpback whales and dolphins to produce a documentary to celebrate Jean-Michel Cousteau's 75 years of diving and educate the public about the protection, conservation, and management of humpback whales and other cetaceans in Hawaii waters. Filmmakers would annually harass up to 105 humpback whales, 700 bottlenose dolphins, 700 pantropical spotted dolphins, and 700 spinner dolphins for photography/videography (aerial, topside and underwater) using two vessels, divers, and two unmanned aircraft systems. Filming is expected to occur within a two-week period in February or March each year. The permit would be valid for two years.

It has come to the agency's attention that the 2016 interim final humpback approach rule (50 CFR 216.19; 81 FR 62010, September 8, 2016) does not explicitly exempt permits issued under section 104(c)(6) of the MMPA from its prohibitions. It is not the agency's intent to preclude the issuance of permits or authorizations consistent with the requirements of the MMPA. We interpret the rule to allow issuance of

these permits. Consistent with this interpretation, it has been our practice to continue to issue section 104(c)(6) permits that are in compliance with the MMPA's requirements and our review procedures, as evidenced by issuance of four such permits since the rule's effective date. However, to eliminate any potential ambiguity, we intend to revise the rule to explicitly clarify that photography permits issued under section 104(c)(6) of the MMPA are exempt from the prohibitions on approach.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 2, 2021.

**Julia M. Harrison**,  
Chief, Permits and Conservation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.

[FR Doc. 2021-26537 Filed 12-7-21; 8:45 am]

**BILLING CODE 3510-22-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting Notice

**TIME AND DATE:** Tuesday, December 14, 2021 10:00 a.m.–12:30 p.m.

**PLACE:** This meeting will be held remotely.

**STATUS:** Commission Meeting—Open to the Public.

#### MATTERS TO BE CONSIDERED:

##### Decisional Matters

*Proposed Rule:* Safety Standard for Magnets; and

Notices of Proposed Rulemaking to (1) Add Window Covering Cords to the Substantial Product Hazard List, and (2) Establish a Safety Standard for Operating Cords on Custom Window Coverings.

All attendees should preregister for the Commission Meeting at the following link: <https://attendee.gotowebinar.com/register/5506548165419382288>.

**CONTACT PERSON FOR MORE INFORMATION:** Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway,

Bethesda, MD 20814, 301-504-7479 (Office) or 240-863-8938 (Cell).

Dated: December 3, 2021.

**Alberta E. Mills**,

*Commission Secretary.*

[FR Doc. 2021-26631 Filed 12-6-21; 11:15 am]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP22-19-000]

#### Florida Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on November 22, 2021, Florida Gas Transmission, LLC (FGT), 1300 Main Street, Houston, Texas 77002, filed in the above referenced docket a prior notice pursuant to Section 157.205, 157.208 and 157.210 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act and the blanket certificate issued to FGT by the Commission in Docket No. CP82-553-000, seeking for authorization to increase mainline capacity, and construct, own, operate, and maintain approximately 5.63 miles of 12-inch lateral loop pipeline and appurtenant facilities, and make minor auxiliary facility modifications under Section 2.55(a) of the Commission's Regulations on compressor units 1601 and 1603 at Compressor Station (CS) 16 in Bradford County, Florida. The proposed modifications at CS 16 will allow FGT to flow and transport incremental interstate natural gas primarily southwest from an existing receipt point in Clay County, Florida, to an existing primary delivery point, or optional delivery points, south of CS 16 on FGT's existing lateral facilities in Alachua County, Florida for the Gainesville Regional Utilities. The proposal is known as the Deerhaven Project (or the Project) and it is estimated to cost about \$16 Million.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public