

Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to submit comments in advance of the meeting. Approximately ten minutes will be reserved for public comments, which will be read on a first-come, first-served basis. Only comments received through the registration link will be read during this period. Please note that all submitted comments will be treated as public documents and will be made available for public inspection. Comments read during this period will not be considered for response. All comments must be submitted via the registration link <https://events.nist.gov/profile/18507> by 5 p.m. Eastern Time, Wednesday, December 7, 2022.

Additional written comments may be submitted after the meeting to Ben Davis at [Benjamin.Davis@NIST.gov](mailto:Benjamin.Davis@NIST.gov).

All visitors to the meeting are required to pre-register to be admitted. Space is limited and in-person attendance will be allowed on a first-come, first-served basis. Anyone wishing to attend this meeting in-person or via web conference must register by 5 p.m. Eastern Time, Wednesday, December 7, 2022, to attend. Please submit your full name, the organization you represent (if applicable), email address, and phone number via <https://events.nist.gov/profile/18507>. Non-U.S. citizens must submit additional information; please contact Tamiko Ford at [Tamiko.Ford@nist.gov](mailto:Tamiko.Ford@nist.gov) for more information. For participants attending in person, please note that you must present a state-issued driver's license or identification card for access to the meeting. The license or identification card must be issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. Registration for in-person attendance will be available on site and open from 8:30 a.m. until 10 a.m.

Pursuant to 41 CFR 102–3.150(b), the **Federal Register** notice for this meeting is being published fewer than 15 calendar days prior to the meeting as exceptional circumstances exist. It is imperative that the meeting be held on December 8, 2022 to accommodate the scheduling priorities of the key participants and due to the urgent nature of the Committee's work. The **Federal Register** notice could not be published previously due to logistical requirements needed to accommodate the timing requirement of the meeting

and to ensure opportunities for public access and participation.

**Alicia Chambers,**

*NIST Executive Secretariat.*

[FR Doc. 2022–26669 Filed 12–6–22; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC586]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

**ACTION:** Notice of issuance of letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter of Authorization (LOA) has been issued to Echo Offshore LLC (Echo) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

**DATES:** The LOA is effective from the date of issuance through May 31, 2023.

**ADDRESSES:** The LOA, LOA request, and supporting documentation are available online at: [www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico](http://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico). In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Rachel Wachtendonk, Office of Protected Resources, NMFS, (301) 427–8401.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings

are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements

pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

**Summary of Request and Analysis**

Echo plans to conduct a high resolution seismic survey using a single 20-cubic inch airgun along with three additional high-resolution sources: a sidescan sonar, a sub-bottom profiler, and a multibeam echosounder. The survey will occur in South Timbalier Lease Block 133. See Echo’s application for more details.

Consistent with the preamble to the final rule, the survey effort proposed by Echo in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5322, 5398, January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone <sup>1</sup>); (3) number of days; and (4) season.<sup>2</sup> The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

As sources will be used simultaneously, exposure modeling results were generated using the single airgun proxy, as it produces the greater value for each species (as opposed to the high-resolution geophysical proxy, involving use of the same package of three additional instruments planned for use by Echo). Because the proxy assumes use of a 90 in<sup>3</sup> airgun, the take numbers authorized through this LOA are considered conservative (*i.e.*, they likely overestimate take due to differences in the sound source planned for use by Echo, as compared to those modeled for the rule). The survey is planned to occur for a single day in Zone 2, and is expected to occur in Winter, but could occur in Summer if unexpectedly delayed. Therefore, the take estimates for each species are based on the season that produces the greater value.

Based on the results of our analysis, NMFS has determined that the level of taking authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See Table 1 in this notice and Table 9 of the rule (86 FR 5322, January 19, 2021).

**Small Numbers Determination**

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed “small numbers.” In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual

animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS’ discussion of the MMPA’s small numbers requirement provided in the final rule (86 FR 5322, January 19, 2021; 86 FR 5438, January 19, 2021).

The take numbers for authorization, which are determined as described above, are used by NMFS in making the necessary small numbers determinations, through comparison with the best available abundance estimates (see discussion at 86 FR 5322, 5391, January 19, 2021). For this comparison, NMFS’ approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.*, 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Rice’s whale <sup>3</sup>	0	51	n/a
Sperm whale	0	2,207	n/a
<i>Kogia</i> spp.	0	4,373	n/a
Beaked whales	0	3,768	n/a
Rough-toothed dolphin	40	4,853	n/a
Bottlenose dolphin	31	176,108	0.1
Clymene dolphin	0	11,895	n/a
Atlantic spotted dolphin	<sup>5</sup> 26	74,785	0.0
Pantropical spotted dolphin	0	102,361	n/a
Spinner dolphin	0	25,114	n/a
Striped dolphin	0	5,229	n/a
Fraser’s dolphin	<sup>6</sup> 0	1,665	n/a
Risso’s dolphin	0	3,764	n/a
Melon-headed whale	0	7,003	n/a
Pygmy killer whale	0	2,126	n/a
False killer whale	<sup>6</sup> 0	3,204	n/a
Killer whale	0	267	n/a
Short-finned pilot whale	0	1,981	n/a

<sup>1</sup> Scalar ratios were not applied in this case due to brief survey duration.

<sup>1</sup> For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

<sup>2</sup> For purposes of acoustic exposure modeling, seasons include Winter (December–March) and Summer (April–November).

<sup>2</sup> Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For the Rice's whale and killer whale, the larger estimated SAR abundance estimate is used.

<sup>3</sup> The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

<sup>4</sup> Modeled take of 1 decreased to zero. For rough-toothed dolphin, use of the exposure modeling produces results that are smaller than the average GOM group size (*i.e.*, estimated exposure value of 1, relative to assumed average group size of 14) (Maze-Foley and Mullin, 2006). NMFS' typical practice is to increase exposure estimates to the assumed average group size for a species in order to ensure that, if the species is encountered, exposures will not exceed the authorized take number. However, given the very short survey duration and small estimated exposure value NMFS has determined that is unlikely the species would be encountered at all. As a result, in this case NMFS has not authorized take for this species.

<sup>5</sup> Modeled take of 7 increased to account for potential encounter with group of average size (Maze-Foley and Mullin, 2006).

<sup>6</sup> Modeled take of less than 0.5 was rounded down to zero.

Based on the analysis contained herein of Echo's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes and therefore is of no more than small numbers.

#### Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Echo authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: December 2, 2022.

**Kimberly Damon-Randall,**

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

[FR Doc. 2022-26568 Filed 12-6-22; 8:45 am]

**BILLING CODE 3510-22-P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC595]

#### Marine Mammals; File No. 27029

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

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

**SUMMARY:** Notice is hereby given that Echo Pictures Ltd., c/o Offspring Films, 1st & 2nd floor, Dock House, Welsh Back, Bristol, United Kingdom, BS1 4SB, has applied in due form for a permit to conduct commercial and educational photography on marine mammals.

**DATES:** Written, telefaxed, or email comments must be received on or before January 6, 2023.

**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. 27029 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:** Shasta McClenahan, Ph.D., or Carrie Hubard, (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 up to 24 species of non-listed marine mammals for a wildlife documentary series. Filming may occur on the U.S. east coast from Florida to Maine from platforms including vessels, unmanned aircraft systems, and underwater (snorkelers, divers, and towed, pole, or drop-in cameras). See the application for species and numbers of animals by filming platform. The permit is requested for 2 years.

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 1, 2022.

**Amy C. Sloan,**

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

[FR Doc. 2022-26569 Filed 12-6-22; 8:45 am]

**BILLING CODE 3510-22-P**

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## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 10 a.m. EST, Wednesday, December 14, 2022.

**PLACE:** CFTC headquarters office, Washington, DC.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

Enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.cftc.gov/>.

**CONTACT PERSON FOR MORE INFORMATION:** Christopher Kirkpatrick, 202-418-5964.

*Authority:* 5 U.S.C. 552b.

Dated: December 5, 2022.

**Christopher Kirkpatrick,**

*Secretary of the Commission.*

[FR Doc. 2022-26736 Filed 12-5-22; 4:15 pm]

**BILLING CODE 6351-01-P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Charter Renewal of Department of Defense Federal Advisory Committee—Defense Advisory Committee for the Prevention of Sexual Misconduct

**AGENCY:** Department of Defense (DoD).

**ACTION:** Charter renewal of Federal Advisory Committee.

**SUMMARY:** The DoD is publishing this notice to announce that it is renewing the charter for the Defense Advisory