

CRSRA ceased requiring such plans after updating its regulations in 2020. This decision was based upon the observation at the time the regulations were promulgated that nearly all Commerce-licensed systems were also licensed by the Federal Communications Commission (FCC), and FCC licenses already address orbital debris and disposal issues in a comprehensive manner. To avoid duplicative regulation, Commerce opted to defer to FCC license requirements regarding orbital debris and spacecraft disposal, and therefore removed license conditions requiring specific orbital debris or spacecraft disposal practices in final rule. Rather, licenses would simply contain the text required by the Act: That “upon termination of operations under the license, [the licensee shall] make disposition of any satellites in space in a manner satisfactory to the President.” Commerce clarified that until further updates, the disposition manner satisfactory to the President was to follow the relevant FCC license.

At the time, however, Commerce noted that Commerce may issue guidance or undertake a separate, narrow rulemaking to revise the subsection (b)(4) license requirement and clarify the practices required by that condition in response to future needs.

Since the promulgation of the 2020 regulations, CRSRA has observed an increasing number of multinational remote sensing systems, with some licensees electing to receive radiofrequency licenses from other nations while seeking a NOAA remote sensing license in the United States. CRSRA is also sensitive to emerging communications methods not currently licensed by FCC, meaning a satellite using such methods would not be subject to FCC disposal and orbital debris mitigation requirements. While systems with one or both of these characteristics may have disposal and orbital debris mitigation plans approved by foreign radiofrequency authorities, CRSRA seeks to provide guidance on how licensees may satisfy the disposal condition in their CRSRA license.

B. Purpose and Objectives

CRSRA is seeking comments and suggestions from the remote sensing industry to identify whether CRSRA should contemplate issuing:

(1) A narrow rulemaking pertaining to the subsection (b)(4) license requirement that exists in all of its licenses;

(2) A narrow rulemaking pertaining to the subsection (b)(4) requirement for only those satellites without FCC licenses; or

(3) Narrow guidance not rising to the level of a rulemaking for licensees without FCC licenses, to clarify acceptable means of compliance with their existing license condition.

CRSRA is also seeking comments about how any narrow rulemakings or guidance should address existing licenses and what form the rulemaking or guidance should take.

II. Request for Comment

CRSRA welcomes industry comments, questions, and suggestions on matters related to the above discussion. CRSRA would especially appreciate any responses in writing to the following topics:

1. Articulate the benefits and drawbacks of CRSRA clarifying its supervision of remote sensing system disposal and orbital debris mitigation under its existing authority. Articulate how CRSRA’s decision to undertake a narrow rulemaking pertaining to all remote sensing systems, a narrow rulemaking only pertaining to licensees not licensed by the FCC, or limited guidance to licensees not licensed by the FCC would impact these benefits and drawbacks.

2. Should CRSRA choose to exercise its existing authority for disposal and orbital debris mitigation, recommend which industry standards and best practices CRSRA should consider when developing the definitions, revised condition language, and disposal and orbital debris mitigation plan assessment.

3. The current subsection (b)(4) license requirement states: “Upon termination of operations under the license, make disposition of any satellites in space in a manner satisfactory to the President.” CRSRA defines termination of operations as (1) to irreversibly render the remote sensing system incapable of being operated; (2) to passivate the system such that it cannot be operated; or (3) to become incapable of operating the system due to its natural end-of-life or anomaly, and to cease attempts to communicate as a result thereof. Comment on whether this definition is complete or omits other means by which operations could terminate.

4. Prior regulations required licensees to “obtain approval from the Assistant Administrator of all plans and procedures for the disposition of satellites as part of the application process” in order to “make disposition of a satellite in space.” Former 15 CFR 960.11(b)(12) (2006). Under this requirement, CRSRA approved disposal plans including atmospheric re-entry, maneuvering to a storage orbit, or direct

retrieval. Comment if this list remains comprehensive or if additional means or methods of disposal should be considered.

5. Recommend the type and content of documentation regarding disposal and orbital debris mitigation plans CRSRA should require to be submitted should CRSRA choose to exercise its existing authority for disposal and orbital debris mitigation.

6. Describe if there are disposal and orbital debris mitigation considerations that are unique to remote sensing systems (meaning they may not exist for other types of space systems) or that are of higher importance or priority for remote sensing systems than other types of space systems.

7. Recommend methods by which CRSRA could verify compliance with the license requirement to make disposition of satellites.

Please note that this is a request for information (RFI) only. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency’s full consideration, are not generally considered information collections and therefore not subject to the PRA.

Richard DalBello,
Director.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD717]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Naval Magazine Indian Island Ammunition Wharf Maintenance and Pile Replacement Project, Puget Sound, Washington

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, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the U.S. Navy (Navy) for the take of marine mammals incidental to construction activities at the Ammunition Wharf at Naval Magazine (NAVMAG) Indian Island in Puget Sound, Washington.

DATES: LOA effective from October 1, 2024, until September 30, 2029.

ADDRESSES: The LOA and supporting documentation are available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-taking-marine-mammals-incidental-naval-magazine-indian-island>. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Robert Pauline, 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).

Summary of Request

On January 29, 2024, we issued a final rule upon request from the Navy for authorization to take marine mammals incidental to construction activities (89 FR 5674). The Navy plans to engage in maintenance and pile replacement construction activities at NAVMAG.

This construction will include use of vibratory pile driving and removal, and impact pile driving. The use of both vibratory and impact pile driving is expected to produce underwater sound at levels that have the potential to result in Levels A and B harassment of marine mammals.

Authorization

We have issued a LOA to Navy authorizing the take of marine mammals incidental to construction activities, as described above. Take of marine mammals will be minimized through the implementation of the following planned mitigation measures: (1) required monitoring of the construction area to detect the presence of marine mammals before beginning construction activities; (2) shutdown of construction activities under certain circumstances to avoid injury of marine mammals; (3) soft start for impact pile driving to allow marine mammals the opportunity to leave the area prior to beginning impact pile driving at full power; and (4) use of bubble curtains to attenuate sound levels when impact driving steel piles. Additionally, the rule includes an adaptive management component that allows for timely modification of mitigation or monitoring measures based on new information, when appropriate. The Navy will submit reports as required.

Based on these findings and the information discussed in the preamble to the final rule, the activities described under this LOA will have a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses.

Dated: March 4, 2024.

Catherine Marzin,
Deputy Director, Office of Protected Resources, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Saltwater Angler Registry and State Exemption Program

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 7, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648-0578 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Lauren Dolinger Few, IT Specialist, National Marine Fisheries Service, Office of Science and Technology, 1315 East-West Hwy./FST1, Silver Spring, MD 21910, Phone: (301) 427-8127, lauren.dolinger.few@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for the extension of a currently approved collection. The National Saltwater Angler Registry Program and State Exemption Program