

swordfish and/or shark permit(s), and proof of identification; and

- Vessel operators must bring proof of identification.

#### *Workshop Objectives*

The Safe Handling, Release, and Identification Workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, smalltooth sawfish, Atlantic sturgeon, and prohibited sharks. In an effort to improve reporting, the proper identification of protected species and prohibited sharks will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species and prohibited sharks, which may prevent additional regulations on these fisheries in the future.

#### *Online Recertification Workshops*

NMFS anticipates the implementation of online recertification workshops beginning in the fall of 2021 for persons who have already taken in-person training. Affected permit holders will be notified of this option when it becomes available.

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

Dated: November 19, 2021.

**Ngagne Jafnar Gueye,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB597]

#### **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 W&T Offshore Inc. (W&T) and its designees for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

**DATES:** The LOA is effective from December 1, 2021, through July 1, 2022.

**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:** Kim Corcoran, 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**

As the designee of W&T, Echo plans to conduct an archaeological and geohazards survey in the Eugene Island Area, Block EI389 and portions of Blocks EI385 and EI386, and in the Ewing Bank Area, in the E/2 portion of Block EW979. Echo plans to simultaneously use a single, 20-cubic inch airgun, as well as a suite of high-resolution geophysical (HRG) acoustic sources aboard an autonomous underwater vehicle. Please see W&T and Echo's application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by W&T and Echo in their 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.

The survey is planned to occur for 2.5 days over a span of 5–7 days. As sources will be used simultaneously, exposure modeling results were generated using the single airgun proxy as it produced the greater value for each species (as opposed to the HRG proxy). Because those results assume 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 geographic distribution of survey effort is not known precisely, but would occur for 3 days in Zones 2 and 5. Therefore, the take estimates for each species are based on the zone that has the greater value for the species (*i.e.*, Zone 2 or 5). Similarly, as the survey could potentially occur in either season, the take estimates for each species are also based on the season that has the greater value for the species (*i.e.*, winter or summer).

In this case, use of the exposure modeling produces results that are substantially smaller than average GOM group sizes for multiple species (*i.e.*, estimated exposure values are less than

10 percent of assumed average group size for the majority of species) (Maze-Foley and Mullin, 2006). NMFS' typical practice in such a situation 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, other relevant considerations here lead to a determination that increasing the estimated exposures to average group sizes would likely lead to an overestimate of actual potential take. In this circumstance, the very short survey duration and relatively small Level B harassment isopleths produced through use of a single airgun (compared with an airgun array) means that it is unlikely that certain species would be encountered at all, much less that the encounter would result in exposure of a greater number of individuals than is estimated through use of the exposure modeling results. As a result, in this case NMFS has not increased the estimated exposure values to assumed average group sizes in authorizing take.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and 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, 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	0.0
Kogia sp .....	1	4,373	0.0
Beaked whales .....	47	3,768	1.3
Bottlenose dolphin .....	93	176,108	0.1
Short-finned pilot whale .....	0	1,981	0.0
Sperm whale .....	2	2,207	0.1
Atlantic spotted dolphin .....	20	74,785	0.0
Clymene dolphin .....	2	11,895	0.0
False killer whale .....	1	3,204	0.0
Fraser's dolphin .....	0	1,665	0.0
Killer whale .....	0	267	0.0
Melon-headed whale .....	2	7,003	0.0
Pantropical spotted dolphin .....	10	102,361	0.0
Pygmy killer whale .....	0	2,126	0.0
Risso's dolphin .....	1	3,764	0.0
Rough-toothed dolphin .....	2	4,853	0.0
Spinner dolphin .....	3	25,114	0.0

<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).

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Striped dolphin .....	1	5,229	0.0

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

<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 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).

Based on the analysis contained herein of W&T and 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 (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking 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 W&T authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: November 22, 2021.

**Kimberly Damon-Randall,**

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

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#### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

##### Procurement List; Additions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to the Procurement List.

**SUMMARY:** This action adds product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** Date added to and deleted from the Procurement List: December 26, 2021.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely

Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** Michael R. Jurkowski, Telephone: (703) 785-6404 or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

#### SUPPLEMENTARY INFORMATION:

##### Additions

On 5/28/2021 and 6/4/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) and service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

##### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) and service(s) to the Government.

2. The action will result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the product(s) and service(s) proposed for addition to the Procurement List.

##### End of Certification

Accordingly, the following product(s) and service(s) are added to the Procurement List:

##### Product(s)

##### NSN(s)—Product Name(s):

6540-00-NIB-0079—Lens Cleaning Station, Disposable, 16 Oz. Spray Bottle Cleaner

6540-00-NIB-0080—Lens Cleaning Station, Disposable, 8 Oz. Spray Bottle Cleaner

*Designated Source of Supply:* Chicago Lighthouse Industries, Chicago, IL

*Mandatory For:* Total Government Requirement

*Contracting Activity:* DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT

*Distribution:* A-List

##### NSN(s)—Product Name(s):

MR 10797—Flashlight, Includes Shipper 20797

MR 11509—Pet Collar

MR 11510—Toy, Pet, Squeaky

MR 10807—Pantry Basket, Includes Shipper 20807

MR 10806—Cutting Board, Includes Shipper 20806

MR 10806—Cutting Board, Includes Shipper 20806

MR 13153—Pizza Crisper

*Designated Source of Supply:* Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

*Mandatory For:* The requirements of military commissaries and exchanges in accordance with the 41 CFR 51-6.4

*Contracting Activity:* Defense Commissary Agency

*Distribution:* C-List

**Michael R. Jurkowski,**

*Acting Director, Business Operations.*

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#### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

##### Procurement List; Proposed Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.