

We concluded that the initial IHA would have a negligible impact on all marine mammal stocks and species and that the taking would be small relative to population sizes. The marine mammal information, potential effects, and the mitigation and monitoring measures remain the same as those analyzed in the previously issued notices of proposed IHA and issued IHA, therefore the extensive analysis, as well as the associated findings, included in the prior documents remain applicable.

The only differences between the initial IHA and this proposed Renewal is that the number of piles proposed for installation, and the numbers of marine mammal takes expected to occur incidental to the proposed activities, are lower than the numbers analyzed and authorized in the previously issued IHA. As both the number of piles proposed for installation and the number of takes expected to occur, and proposed for authorization, are lower than in the initial IHA, we have concluded that the effects of the proposed Renewal would be the same or less than those that were analyzed in the notices of the initial proposed IHA and issued IHA.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) WETA's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

#### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. No incidental take of ESA-listed species is proposed for authorization or

expected to result from WETA's proposed activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

#### Proposed Renewal and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue an IHA Renewal to WETA for conducting ferry terminal expansion activities at the Downtown San Francisco Ferry Terminal, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We request comment on our analyses, the proposed Renewal, and any other aspect of this Notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: May 3, 2019.

**Donna S. Wieting,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XH026**

#### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will hold a four-day meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will convene on Monday, June 3 through Thursday, June 6, 2019.

**ADDRESSES:** The meeting will take place at Sandestin Golf and Beach Resort, located at 9300 Emerald Coast Parkway West, Miramar Beach, FL 32550; telephone: (850) 267-8000.

*Council address:* Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

**FOR FURTHER INFORMATION CONTACT:** Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

#### SUPPLEMENTARY INFORMATION:

#### Agenda

*Monday, June 3, 2019; 8:30 a.m.–5 p.m.*

The meeting will begin in a Closed Session of the Full Council from approximately 8:30 a.m.–9:15 a.m. to select members to the Data Collection and Coral Advisory Panels (AP). Immediately following, committee sessions will begin mid-morning at 9:30 a.m. with Data Collection Committee reviewing the proposed Data Collection AP Charge; discussing Commercial Fishing Unique Trip Identifiers; and, receiving a presentation on Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Implementation Plan.

Following lunch, the Sustainable Fisheries Committee will discuss modernizing the Recreational Fisheries Management Act of 2018; discuss Allocation Issues; review Final Action: Generic Amendment—Carryover Provisions and Framework Modifications; and discuss the two-day Possession Limit on Federal For-Hire Trips. The Habitat Protection and Restoration Committee will review the permitting process for Siting of Artificial Reefs and Aquaculture Operations in Federal Waters; and, receive a presentation on Manna Fish Farms, Gulf of Mexico Finfish Aquaculture Operations.

Immediately following Habitat Protection and Restoration Committee, there will be a Stakeholder Engagement Workshop hosted by the University of Southern Mississippi on Manna Fish Farms, Gulf of Mexico Finfish Aquaculture Operations that is opened to the public.

*Tuesday, June 4, 2019; 8:30 a.m.–5:30 p.m.*

The Reef Fish Committee will begin with review of Reef Fish Landings; receive a presentation on the Joint Enforcement Agreement; and, review Draft Amendment 36B: Modifications to Commercial Individual Fishing Quota (IFQ) Programs—Law Enforcement Technical Committee Discussion, NOAA Office of Law Enforcement Penalties Presentation, and Quota Bank Presentation.

After lunch, the Reef Fish Committee will reconvene and discuss taking final action on Framework Action to Modify Greater Amberjack Commercial Trip Limits; Draft Framework Action to Modify the Recreational For-hire Red Snapper Annual Catch Target Buffer;

Public Hearing Draft Amendment 51: Establish Gray Snapper Status Determination Criteria, Reference Points, and Modify Annual Catch Limits; and, Commercial Crew Size Requirements.

*National Marine Fisheries Services (NMFS) will hold a Question and Answer Session immediately following Reef Fish Committee.*

*Wednesday, June 5, 2019; 8:30 a.m.–5:30 p.m.*

The meeting will begin with a presentation on proposed Highly Migratory Species (HMS) Management Actions.

The Gulf SEDAR Committee will receive a summary from the May 2019 SEDAR Steering Committee Meeting; and, review of Gulf of Mexico SEDAR Schedule.

Full Council will re-convene at approximately 10:45 a.m. with a Call to Order, Announcements, and Introductions; followed by an Adoption of Agenda and Approval of Minutes. The Council will present the 2018 Law Enforcement Officer of the Year Award; review of Exempted Fishing Permit (EFP) Applications; public comments on EFP Applications (if any); and, receive a presentation on Florida Law Enforcement Efforts.

After lunch, the Council will hold public comment testimony beginning at 2 p.m. until 5:30 p.m., EDT for the following items: Final Action: Generic Amendment—Carryover the Annual Catch Limits (ACL) of Unharvested Quota; Final Action: Greater Amberjack Framework Action to Modify Greater Amberjack Commercial Trip Limits; and, open testimony on any other fishery issues or concerns. Anyone wishing to speak during public comment testimony should sign in at the registration station located at the entrance to the meeting room.

*Thursday, June 6, 2019; 8:30 a.m.–3 p.m.*

The Council will receive reports from the following management committees: Habitat Protection and Restoration, Highly Migratory Species, Data Collection, Sustainable Fisheries, and Gulf SEDAR. The Council will announce the Data Collection and Coral AP appointments; and, receive the Reef Fish Management Committee report. After lunch, the Council will vote on Exempted Fishing Permit (EFP) applications, if any; and receive updates from the following supporting agencies: South Atlantic Fishery Management Council; NOAA Office of Law Enforcement (OLE), Gulf States Marine Fisheries Commission; U.S. Coast

Guard; U.S. Fish and Wildlife Service; and, the Department of State.

Lastly, the Council will discuss any Other Business items.

—Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the webinar by visiting [www.gulfcouncil.org](http://www.gulfcouncil.org) and clicking on the Council meeting on the calendar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on the website as they become available.

Although other non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Pereira, (813) 348–1630, at least 5 days prior to the meeting date.

Dated: May 6, 2019.

**Tracey L. Thompson,**

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

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO–P–2019–0007]

#### Patent Term Adjustment Procedures in View of the Federal Circuit Decision in *Supernus Pharm., Inc. v. Iancu*

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is modifying its patent term adjustment procedures in view of the decision by the U.S. Court

of Appeals for the Federal Circuit (Federal Circuit) in *Supernus Pharm., Inc. v. Iancu (Supernus)*. The USPTO makes the patent term adjustment determinations indicated in patents by a computer program that uses information recorded in its Patent Application Locating and Monitoring (PALM) system. The event from which the Federal Circuit measured the beginning of the patent term adjustment reduction period in *Supernus*—a notice to the applicant from a foreign patent authority—is not an event that is recorded in the USPTO's PALM system. Thus, the USPTO will continue to make the patent term adjustment determinations indicated in patents under the existing regulations using information recorded in its PALM system. A patentee who believes that the period of patent term adjustment reduction exceeds the period of time during which the patentee failed to engage in reasonable efforts to conclude prosecution of the application may raise the issue in a timely request for reconsideration of the patent term adjustment, providing any relevant information that is not recorded in the USPTO's PALM system. The USPTO's decision on any timely filed patentee request for reconsideration will apply the Federal Circuit's decision in *Supernus* in view of the information presented by the patentee.

**DATES:** The procedure set forth in this notice is effective on May 9, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kery A. Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, at 571–272–7757.

**SUPPLEMENTARY INFORMATION:** Under 35 U.S.C. 154(b)(1), an applicant is entitled (subject to certain conditions and limitations) to patent term adjustment for the following reasons: (1) If the USPTO fails to take certain actions during the examination and issue process within specified time frames (35 U.S.C. 154(b)(1)(A)) (“A” delays); (2) if the USPTO fails to issue a patent within three years of the actual filing date of the application (35 U.S.C. 154(b)(1)(B)) (“B” delays); and (3) for delays due to a proceeding under 35 U.S.C. 135(a) (e.g., derivation, interference, secrecy order, or successful appellate review (35 U.S.C. 154(b)(1)(C)) (“C” delays). 35 U.S.C. 154(b)(2) places limitations on the period of patent term adjustment granted under 35 U.S.C. 154(b)(1), one of which is that the period of patent term adjustment under 35 U.S.C. 154(b)(1) shall be reduced by a period equal to the period of time during which the applicant failed to engage in