

Game (ADF&G) has not recorded harvest of cetaceans from Ketchikan or Saxman (ADF&G 2018).

All project activities will take place within the industrial area of Tongass Narrows immediately adjacent to Ketchikan where subsistence activities do not generally occur. Both the harbor seal and the Steller sea lion may be temporarily displaced from the project area. The project will also not have an adverse impact on the availability of marine mammals for subsistence use at locations farther away, where these construction activities are not expected to take place. Some minor, short-term harassment of the harbor seals could occur, but given the information above, we do not expect such harassment to have effects on subsistence hunting activities.

Based on the description of the specified activity and the required mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from ADOT's planned activities.

#### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must evaluate our proposed action (*i.e.*, the issuance of an IHA) and alternatives with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that this action qualifies to be categorically excluded from further NEPA review.

#### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 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. To ensure ESA compliance for the issuance of IHAs, NMFS' Office of Protected Resources (OPR) consults internally whenever we propose to authorize take for endangered or threatened species, in

this case with NMFS' Alaska Regional Office (AKRO).

NMFS OPR is proposing to authorize take of the Central North Pacific stock of humpback whales, of which a portion belong to the Mexico DPS of humpback whales, which are ESA-listed. On February 6, 2019, NMFS AKRO completed consultation with NMFS for the Tongass Narrows Project and issued a Biological Opinion. Reinitiation of formal consultation was required to analyze changes to the action that were not considered in the February 2019 opinion (PCTS# AKR-2018-9806/ECO# AKRO-2018-01287). The original opinion considered the effects of only one project component being constructed at a time and did not analyze potential effects of concurrent pile driving that may cause effects to the listed species that were not considered in the original opinion; therefore, reinitiation of formal consultation was required. NMFS' AKRO issued a revised Biological Opinion to NMFS' OPR on December 19, 2019 that concluded that issuance of IHAs to ADOT is not likely to jeopardize the continued existence of Mexico DPS humpback whales. The effects of this Federal action were adequately analyzed in NMFS' *Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion for Construction of the Tongass Narrows Project (Gravina Access)*, revised December 19, 2019, which concluded that the take NMFS proposes to authorize through this IHA would not jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat. NMFS has determined that issuance of this IHA does not require reinitiation of the December 2019 Biological Opinion.

#### Authorization

NMFS has issued an IHA to ADOT for the potential harassment of small numbers of eight marine mammal species incidental to construction of four facilities in the channel between Gravina Island and Revillagigedo (Revilla) Island in Ketchikan, Alaska, that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: March 11, 2022.

**Kimberly Damon-Randall,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket ID No.: NOAA-NOS-2022-0033]

#### Deep Seabed Hard Minerals; Request for Extension of Exploration Licenses; Comments Request

**AGENCY:** Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of receipt of application to extend Deep Seabed Mineral Exploration Licenses USA-1 and USA-4; request for comments.

**SUMMARY:** NOS has received from the Lockheed Martin Corporation ("Lockheed Martin" or "Licensee") a request to extend to 2027 two deep seabed hard mineral exploration licenses issued pursuant to the Deep Seabed Hard Mineral Resources Act (DSHMRA). Lockheed Martin's extension request includes an updated exploration plan for activities conducted under the licenses. Lockheed Martin's request and accompanying exploration plan are available for public review and comment on whether the Licensee has met the criteria for the issuance of extensions specified in DSHMRA.

**DATES:** Comments may be submitted on or before May 17, 2022.

**ADDRESSES:** To access and review all documents related to the extension request under consideration, please use <http://www.regulations.gov> by searching the Docket ID number NOAA-NOS-2022-0033. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number.

**FOR FURTHER INFORMATION CONTACT:** Kerry Kehoe, Federal Consistency Specialist, NOAA Office of Coastal Management, at [kerry.kehoe@noaa.gov](mailto:kerry.kehoe@noaa.gov), or at 240-560-8515.

**SUPPLEMENTARY INFORMATION:** NOAA has received an application from Lockheed Martin for a five-year extension of its two Deep Seabed Hard Mineral Exploration Licenses, USA-1 and USA-4. Lockheed Martin's application includes a single revised exploration plan for both licenses that sets forth the activities to be conducted during the extension.

DSHMRA exploration licenses USA-1 and USA-4 were issued in 1984 and both are presently held by Lockheed

Martin. USA-1 and USA-4 were most recently extended in 2017 (82 FR 42327, September 7, 2017). The current terms of Exploration Licenses USA-1 and USA-4 end on June 2, 2022. Section 107(a) of DSHMRA provides that NOAA shall extend exploration licenses for a term of not more than five years if the licensee has substantially complied with the license and exploration plan and has requested an extension of the license. 30 U.S.C. 1417.

Lockheed Martin has submitted this request to maintain its interests and rights under these exploration licenses. Lockheed Martin is not currently conducting at-sea activities under DSHMRA exploration licenses USA-1 or USA-4, nor is the company proposing any such activities in this license extension request. Lockheed Martin has stated that at-sea exploration activities have been delayed for several reasons including conditions in the metals markets and the lack of international recognition of the DSHMRA licenses USA-1 and USA-4.

DSHMRA, which establishes a domestic licensing regime for United States citizens who engage in exploration of deep seabed hard mineral resources in areas beyond national jurisdiction, was enacted in 1980 as an interim statute pending the completion of negotiations on a Law of the Sea Convention (LOSC) acceptable to the United States. See 30 U.S.C. 1401(a). Although the LOSC was opened for signature in 1982, the United States has yet to become a party, and thus is not a member of the International Seabed Authority (ISA), the body established under LOSC to regulate deep seabed mining and award exploration and mining contracts in areas beyond national jurisdiction. DSHMRA exploration licenses USA-1 and USA-4 predate the establishment of the ISA in 1994. As the United States is not a party to the Law of the Sea Convention and thus not a member of the ISA, the United States is unable to seek from the ISA an exploration contract to obtain international legal recognition of Lockheed Martin's domestic law rights under DSHMRA exploration licenses USA-1 and USA-4. Recently, the ISA established an Area of Particular Environmental Interest that partially overlaps with DSHMRA exploration license USA-1. The ISA designation has no bearing on the extension request currently under consideration as it is not within the criteria specified within DSHMRA and its implementing regulations for granting license extensions.

During the requested five-year extension, Lockheed Martin would

continue to conduct various preparatory activities in advance of at-sea exploration, which may become feasible at some future date. If NOAA grants this extension request, Lockheed Martin would need to obtain additional authorization from the agency before it would be allowed to conduct at-sea exploration activities under these licenses. Among other requirements, any request by Lockheed Martin for authorization from NOAA to conduct at-sea exploration activities would require the agency to conduct additional environmental analysis pursuant to NOAA's obligations under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, and DSHMRA.

NOAA is required under 30 U.S.C. 1417 to approve an extension request if the licensee has substantially complied with the license and its associated exploration plan. In determining substantial compliance, the DSHMRA implementing regulations at 15 CFR 970.515(b) provide that NOAA may make allowance for deviation from the exploration plan for good cause such as significantly changed market conditions.

The request for extension and revised exploration plan can be viewed at [www.regulations.gov](http://www.regulations.gov), by searching for docket number "NOAA-NOS-2022-0033". NOAA is seeking comments on Lockheed Martin's request to extend DSHMRA exploration licenses USA-1 and USA-4 including whether the company has substantially complied with the licenses and exploration plans, and whether the revised exploration plans for USA-1 and USA-4 meet the terms, conditions and restrictions of DSHMRA and the licenses issued thereunder.

**Keelin S. Kuipers,**

*Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.*

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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; Emergency Beacon Registrations**

The Department of Commerce will submit the following information collection request to the Office of

Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on 12/17/2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

*Title:* Emergency Beacon Registrations.

*OMB Control Number:* 0648-0295.

*Form Number(s):* None.

*Type of Request:* Regular submission, Revision of a currently approved information collection.

*Number of Respondents:* 343,808.

*Average Hours per Response:* 15 Minutes.

*Total Annual Burden Hours:* 85,952.

*Needs and Uses:* The United States, Canada, France, and Russia operate the Search and Rescue Satellite-Aided Tracking (COSPAS/SARSAT), a satellite system with equipment that can detect and locate ships, aircraft, and individuals in distress if an emergency radio beacon is being carried.

This system is used to detect digitally encoded signals in the 406.000-406.100 MHz range, coming from these emergency beacons. The 406.000-406.100 MHz beacons transmit a unique identifier, making possible the ability to combine previously collected data associated with that beacon and transmit this vital data along with the beacon's position to the appropriate rescue coordination center.

Persons buying 406.000-406.100 MHz emergency radio beacons are required to register them with NOAA prior to installation. These requirements are contained in Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402.

The registration data is used to facilitate a rescue and to suppress the costly consequences of false alarms, which if unsuppressed would initiate the launch of a rescue mission and thereby deplete limited resources and possibly result in the loss of lives. This is accomplished through the use of the data provided to the rescue forces from the beacon registration database maintained by the NOAA's United States Mission Control Center (USMCC)