

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****National Artificial Intelligence Advisory Committee**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of Federal Advisory Committee open meeting.

**SUMMARY:** The National Institute of Standards and Technology (NIST) announces that the National Artificial Intelligence Advisory Committee (NAIAC or Committee) will hold a hybrid, open meeting on Wednesday, October 12, 2022, from 9:00 a.m. to 4:30 p.m. and Thursday, October 13, 2022, from 9:30 a.m. to 12:30 p.m. Pacific Daylight Time. NAIAC members will discuss how to direct their input into actionable recommendations. These final recommendations will be presented to the President and National Artificial Intelligence Initiative Office. The final agenda will be posted to the NAIAC website: <https://www.ai.gov/naiac/>.

**DATES:** The meeting will be held on Wednesday, October 12, 2022, from 9:00 a.m. to 4:30 p.m. and Thursday, October 13, 2022, from 9:30 a.m. to 12:30 p.m. Pacific Daylight Time.

**ADDRESSES:** The meeting will be open to the public via webcast. Registration is not required to watch the live webcast, but those interested in watching live are encouraged to register for alerts. Limited space is also available on a first-come, first-served basis for anyone who wishes to attend in person at Stanford University, 450 Serra Mall, Stanford, CA 94305. Registration for in-person attendance is required. Please see the **SUPPLEMENTARY INFORMATION** section of this notice for additional details. NAIAC members may attend the meeting via webcast or in-person.

**FOR FURTHER INFORMATION CONTACT:** Alicia Chambers, Committee Liaison Officer, National Institute of Standards and Technology, 100 Bureau Drive, MS 1000, Gaithersburg, MD 20899, [alicia.chambers@nist.gov](mailto:alicia.chambers@nist.gov) or 301-975-5333, or Melissa Banner, Designated Federal Officer, National Institute of Standards and Technology, 100 Bureau Drive, MS 1000, Gaithersburg, MD 20899, [melissa.banner@nist.gov](mailto:melissa.banner@nist.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NAIAC will hold an open meeting on Wednesday, October 12, 2022, from 9:00 a.m. to 4:30

p.m. and Thursday, October 13, 2022, from 9:30 a.m. to 12:30 p.m. Pacific Daylight Time. For more information please visit: <https://www.ai.gov/naiac/>.

The NAIAC is authorized by Section 5104 of the National Artificial Intelligence Initiative Act of 2020 (Pub. L. 116-283), in accordance with the provisions of the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. App. The Committee advises the President and the National Artificial Intelligence Initiative Office on matters related to the National Artificial Intelligence Initiative. Additional information on the NAIAC is available at <https://www.ai.gov/naiac/>.

**Comments:** Individuals and representatives of organizations who would like to offer comments and suggestions or ask questions related to the NAIAC's business are invited to submit comments and questions in advance of the meeting. Written comments and questions may be submitted to the DFO, Melissa Banner, via email to: [melissa.banner@nist.gov](mailto:melissa.banner@nist.gov) with the subject line "October 12-13, 2022, NAIAC Meeting Comments." Comments and questions must be received by 5:00 p.m. Pacific Daylight Time, Wednesday, October 5, 2022, to be considered. Please note that all submitted comments will be treated as public documents and will be made available for public inspection.

**Admittance Instructions:** Registration is not required to watch the live webcast, however, anyone interested in receiving notifications is encouraged to register to receive notifications at: <https://www.ai.gov/naiac/>. Anyone wishing to attend this meeting in-person must register via the registration link available at <https://www.ai.gov/naiac/> by 5:00 p.m. Eastern Daylight Time, Wednesday, October 5, 2022. Please note that due to requirements for social distancing in the meeting room, limited space is available in the meeting room and registration will be available on a first-come, first-served basis.

**Alicia Chambers,**

*NIST Executive Secretariat.*

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**BILLING CODE 3510-13-P**

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****National Institute of Standards and Technology Performance Review Board Membership**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** This notice lists the membership of the National Institute of Standards and Technology Performance Review Board (NIST PRB) and supersedes the list published on September 28, 2020.

**DATES:** The changes to the NIST PRB membership list announced in this notice are effective September 26, 2022. **FOR FURTHER INFORMATION CONTACT:** Didi Hanlein, (240) 449-6356 or by email at [desiree.hanlein@nist.gov](mailto:desiree.hanlein@nist.gov) or Amy Laughter, (202) 845-5196 or by email at [amy.laughter@nist.gov](mailto:amy.laughter@nist.gov) at the National Institute of Standards and Technology.

**SUPPLEMENTARY INFORMATION:** The National Institute of Standards and Technology Performance Review Board (NIST PRB or Board) reviews performance appraisals, agreements, and recommended actions pertaining to employees in the Senior Executive Service and Senior Professional employees. The Board makes recommendations to the appropriate appointing authority concerning such matters so as to ensure the fair and equitable treatment of these individuals.

This notice lists the membership of the NIST PRB and supersedes the list published in the **Federal Register** on September 28, 2020 (85 FR 60764).

**NIST PRB Members**

Mojdeh Bahar (C) (alternate), Associate Director for Innovation and Industry Services, National Institute of Standards & Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/24  
Marla Dowell (C), Director, Communications Technology Laboratory, National Institute of Standards & Technology, Boulder, CO 80305, Appointment Expires: 12/31/24

Robert Fangmeyer (C) (alternate), Director, Baldrige Performance Excellence Program, National Institute of Standards & Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/24  
Robert Ivester (C), Senior Advisor for Semiconductor Engagement, National Institute of Standards & Technology,

Gaithersburg, MD 20899,  
 Appointment Expires: 12/31/22  
 Elizabeth Mackey (C) (alternate), Chief  
 Safety Officer, National Institute of  
 Standards & Technology,  
 Gaithersburg, MD 20899,  
 Appointment Expires: 12/31/22  
 Paula Patrick (C), Strategic Advisor to  
 Enterprise Services, Department of  
 Commerce Enterprise Services,  
 Washington, DC 20230, Appointment  
 Expires: 12/31/24  
*Authority:* 5 U.S.C. 4301 *et seq.*

**Alicia Chambers,**

*NIST Executive Secretariat.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC362]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to In-Water Construction at Two Ferry Facilities on Bainbridge Island, Washington

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

**ACTION:** Notice; issuance of an incidental harassment authorization (IHA).

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an IHA to the Washington State Department of Transportation (WSDOT) Ferries Division to incidentally harass marine mammals during two in-water construction projects on Bainbridge Island, Washington: the Bainbridge Island Ferry Terminal Overhead Loading Replacement Project and Eagle Harbor Maintenance Facility Slip F Improvement Project.

**DATES:** This authorization is effective from September 16, 2022 through September 15, 2023.

**FOR FURTHER INFORMATION CONTACT:** Amy Fowler, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing

these documents, please call the contact listed above.

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) 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 proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

##### Summary of Request

On February 15, 2022, NMFS received a request from WSDOT for an IHA to take marine mammals incidental to the Bainbridge Island Ferry Terminal Overhead Loading Replacement Project (the Bainbridge Project) and Eagle Harbor Maintenance Facility Slip F Improvement Projects (the Eagle Harbor Project) in Bainbridge Island, Washington. The application was deemed adequate and complete on July 25, 2022. WSDOT’s request is for take of 12 species of marine mammal by Level B harassment and, for a subset of these species (harbor seal (*Phoca vitulina*), harbor porpoise (*Phocoena phocoena*), and Dall’s porpoise (*Phocoenoides dalli*)), Level A harassment. Neither WSDOT nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

#### Description of Proposed Activity

##### Overview

The WSDOT Ferries Division (WSF) operates and maintains 19 ferry terminals and 1 maintenance facility, all of which are located in either Puget Sound or the San Juan Islands. Two projects are planned to be conducted: replacement of the Bainbridge Island Ferry Terminal overhead loading structure and improvement of the Eagle Harbor Maintenance Facility Slip F. Both of the projects are located within Eagle Harbor on Bainbridge Island, Washington, would be completed within the same in-water work season, would have overlapping ensouffied areas, and use the same information to estimate marine mammal takes. Therefore, WSDOT submitted one application for a single IHA to cover both projects.

The purpose of the Bainbridge Project is to replace the seismically vulnerable timber trestle and fixed steel portions of the overhead loading structure at the Bainbridge Island Ferry Terminal. The purpose of the Eagle Harbor Project is to improve the maintenance efficiency of the facility. The facility has six vessel slips whose purpose is to maintain the WSF system’s vessels.

##### Dates and Duration

Due to in-water work timing restrictions established by NMFS and the U.S. Army Corps of Engineers, construction in the projects area is limited each year from August 1 through February 15. Both the Bainbridge Project and the Eagle Harbor Project would be constructed during the 2022 to 2023 in-water work season. For the Bainbridge Project, in-water construction is expected to occur on up to 57 days (Table 1). For the Eagle Harbor Project, in-water construction is expected to occur on up to 31 days (Table 2).

##### Specific Geographic Region

Both projects are located within Eagle Harbor on Bainbridge Island, Washington, approximately 9 miles (mi; 14.5 kilometers (km)) west of Seattle, Washington. The Eagle Harbor Maintenance Facility is approximately 0.25 mi (0.4 km) southwest of the Bainbridge Island Ferry Terminal. Eagle Harbor contains a mix of commercial docks, public marinas, private docks, and undeveloped waterfront properties. The harbor extends 2 mi (1.2 km) west from the mouth of the harbor, which is approximately 900 feet (ft; 274.3 meters (m)) wide and is bounded by Wing Point to the north and Bill Point to the south. A large underwater sand bar extends to the southeast from Wing Point. Water