

the northern and southern migratory stocks during spring and fall migrations, but the extent of overlap is unknown.

The Chesapeake Bay and waters offshore of the mouth are located on the periphery of the migratory ranges of both coastal stocks (although during different seasons). Additionally, each of the migratory coastal stocks are likely to be located in the vicinity of the Bay for relatively short timeframes. Given the limited number of animals from each migratory coastal stock likely to be found at the seasonal migratory boundaries of their respective ranges, in combination with the short time periods (~2 months) animals might remain at these boundaries, it is reasonable to assume that takes are likely to occur only within some small portion of either of the migratory coastal stocks.

Many of the dolphin observations in the Bay are likely repeated sightings of the same individuals. The Potomac-Chesapeake Dolphin Project has observed over 1,200 unique animals since observations began in 2015. Re-sightings of the same individual can be highly variable. Some dolphins are observed once per year, while others are highly regular with greater than 10 sightings per year (Mann, Personal Communication). Similarly, using available photo-identification data, Engelhaupt *et al.* (2016) determined that specified individuals were often observed in close proximity to their original sighting locations and were observed multiple times in the same season or same year. Ninety-one percent of re-sighted individuals (100 of 110) in the study area were recorded less than 30 kilometers from the initial sighting location. Multiple sightings of the same individual would considerably reduce the number of individual animals that are taken by harassment. Furthermore, the existence of a resident dolphin population in the Bay would increase the percentage of dolphin takes that are actually re-sightings of the same individuals.

The increase in Level A harassment for harbor seal take corresponds to a commensurate decrease in the predicted number of Level B harassment, and the total number of takes remains unchanged. Therefore, in consideration of this, the harbor seal stock abundance information discussed in the initial IHA and in the Estimated Take section above, we re-affirm that small numbers of harbor seals will be taken relative to the population size of the stock. Even in consideration of the increased numbers

of take by Level A harassment, the impacts of these exposures may result in moderate injury to a limited number of harbor seals.

In conclusion, there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has preliminarily 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 proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the proposed authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) The Navy'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 (ESA)

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 consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

#### Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to modify an IHA to the Navy for conducting construction activities related to year one of the Pier 3 replacement project, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed modified IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>.

#### Request for Public Comments

We request comment on our analyses (included in both this document and the referenced documents supporting the 2022 IHA), the proposed modifications to the authorization, 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: December 6, 2022.

**Kimberly Damon-Randall,**

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

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**BILLING CODE 3510-22-P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC602]

#### Marine Mammals and Endangered Species

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

**ACTION:** Notice; issuance of permits and permit amendments.

**SUMMARY:** Notice is hereby given that permits and permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

**ADDRESSES:** The permits and related documents are available for review upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Shasta McClenahan, Ph.D., (Permit Nos. 21585-02 and 26696), Amy Hapeman (Permit No. 26226), and Carrie Hubard (Permit Nos. 25754 and Permit No. 26562); at (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to [www.federalregister.gov](http://www.federalregister.gov) and search on the permit number provided in Table 1 below.

TABLE 1—ISSUED PERMITS AND PERMIT AMENDMENTS

Permit No.	RTID	Applicant	Previous Federal Register notice	Issuance date
21585-02 .....	0648-XC011	Oregon State University, Marine Mammal Institute, 2030 Southeast Marine Science Drive, Newport, OR 97365 (Responsible Party: Lisa Ballance, Ph.D.).	87 FR 27989, May 10, 2022.	November 14, 2022.
25754 .....	0648-XC036	NMFS Pacific Islands Fisheries Science Center, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818 (Responsible Party: Charles Littnan, Ph.D.).	87 FR 31210, May 23, 2022.	November 16, 2022.
26226 .....	0648-XC363	Robert DiGiovanni, Jr., Atlantic Marine Conservation Society, P.O. Box 932, Hampton Bays, NY 11946.	87 FR 56001, September 13, 2022.	November 10, 2022.
26562 .....	0648-XC233	James Hain, Ph.D., Associated Scientists at Woods Hole, Box 721, Woods Hole, MA 02543.	87 FR 48471, August 9, 2022.	November 9, 2022.
26696 .....	0648-XC418	Dennis Clegg, Ph.D., University of California at Santa Barbara, Neuroscience Research Institute, Mail Code 5060, Santa Barbara, CA 93106.	87 FR 60126, October 4, 2022.	November 22, 2022.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

**Authority:** The requested permits have been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: December 5, 2022.

**Amy C. Sloan,**

*Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022–26780 Filed 12–8–22; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO–P–2022–0038]

### Cancer Moonshot Expedited Examination Pilot Program

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

#### **ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) is implementing the Cancer Moonshot Expedited Examination Pilot Program to replace the Cancer Immunotherapy Pilot Program, which expedited examination for eligible patent applications pertaining to methods of treating a cancer using immunotherapy. The new pilot program broadens the scope of qualifying technologies. Applications accepted into the new pilot program will be advanced out of turn (accorded special status) for examination until a first Office action. The new pilot program supports the renewed national Cancer Moonshot initiative that aims to reduce the cancer mortality rate by at least 50% within 25 years. This notice outlines the conditions, eligibility requirements, and guidelines of the new pilot program.

**DATES: Pilot Duration:** The Cancer Moonshot Expedited Examination Pilot Program will accept petitions to make special beginning on February 1, 2023, until either January 31, 2025, or the date the USPTO accepts a total of 1,000 grantable petitions under the pilot program, whichever is earlier. The USPTO may, at its sole discretion, terminate the pilot program depending on factors such as workload and resources needed to administer the program, feedback from external stakeholders, and the program's effectiveness. If the pilot program is terminated, the USPTO will notify the public. The USPTO will publish on its website an ongoing count of the number of petitions filed and the number of petitions granted under the pilot program.

**ADDRESSES:** Petitions to make special under the Cancer Moonshot Expedited Examination Pilot Program must use

form PTO/SB/465 and must be filed electronically using the USPTO's Patent Center (at <https://patentcenter.uspto.gov>). Form PTO/SB/465 is available at [www.uspto.gov/PatentForms](http://www.uspto.gov/PatentForms).

**FOR FURTHER INFORMATION CONTACT:** For general questions regarding this pilot program, please contact Susy Tsang-Foster, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, at 571–272–7711 or [susy.tsang-foster@uspto.gov](mailto:susy.tsang-foster@uspto.gov). For questions on electronic filing, please contact the Electronic Business Center (EBC) at 866–217–9197 (during its operating hours of 6 a.m. to midnight ET, Monday–Friday) or [ebc@uspto.gov](mailto:ebc@uspto.gov). For questions related to a particular petition, please contact Gary B. Nickol, Supervisory Patent Examiner, at 571–272–0835 or [gary.nickol@uspto.gov](mailto:gary.nickol@uspto.gov); or Brandon J. Fetterolf, Supervisory Patent Examiner, at 571–272–2919 or [brandon.fetterolf@uspto.gov](mailto:brandon.fetterolf@uspto.gov), both of Technology Center 1600.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

New patent applications are normally taken up for examination in the order of their U.S. filing date or national stage entry date. See §§ 708 and 1893.03(b) of the Manual of Patent Examining Procedure (MPEP) (9th ed., rev. 10.2019, June 2020). The USPTO has procedures under which an application will be advanced out of turn (accorded special status) for examination if the applicant files (1) a petition to make special under 37 CFR 1.102(c) or (d) with the appropriate showing, or (2) a request for prioritized examination under 37 CFR 1.102(e). See 37 CFR 1.102(c)–(e) and MPEP §§ 708.02, 708.02(a), and 708.02(b).