

to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE913]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Alaska Railroad Corporation Seward Freight Dock Construction in Seward, Alaska

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Alaska Railroad Corporation (ARRC) for authorization to take marine mammals incidental to the Seward Freight Dock construction project in Seward, Alaska.

DATES: This authorization is effective from November 1, 2026, through October 31, 2027.

ADDRESSES: 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/action/incidental-take-authorization-alaska-railroad-corporations-seward-freight-dock-construction>. In case of problems

accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

MMPA Background and Determinations

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Among the exceptions is section 101(a)(5)(D) of the MMPA (16 U.S.C. 1361 *et seq.*) which directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking by harassment 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 the public has an opportunity to comment on the proposed IHA.

Specifically, NMFS will issue an IHA if it 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 such species or stocks for taking for certain subsistence uses (referred to here as “mitigation”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and the NMFS’ implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

On April 4, 2025, a notice of NMFS’ proposal to issue an IHA to ARRC for take of marine mammals incidental to

the Seward Freight Dock construction project in Seward, Alaska was published in the **Federal Register** (90 FR 14792, April 4, 2025). In that notice, NMFS indicated the estimated numbers, type, and methods of incidental take proposed for each species or stock and the mitigation, monitoring, and reporting measures that would be required should the IHA be issued. The **Federal Register** notice also included analysis to support NMFS’ preliminary conclusions and determinations that the IHA, if issued, would satisfy the requirements of section 101(a)(5)(D) of the MMPA for issuance of the IHA. The **Federal Register** notice included web links to a draft IHA for review and other supporting documents.

No substantive comments were received during the public comment period. With the exception of the minor changes described below, there are no changes to the specified activity, the species taken, the proposed numbers, type, or methods of take, or the mitigation, monitoring, or reporting measures in the proposed IHA notice. No new information that would change any of the preliminary analyses, conclusions, or determinations in the proposed IHA notice has become available since that notice was published and, therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHA are considered final.

Changes have been made to correct typographical errors to Tables 5 and 7 in the proposed **Federal Register** notice. In table 5, there were errors in the tables sound pressure level categories. See below for the revised table 5. In table 7, the Level A harassment zone for vibratory installation of H piles should have been 3.5 m for phocids instead of 30.5 m. Additionally, text regarding the number of permanent piles installed via vibratory pile driving should have been 253 rather than 256. None of these minor changes affect or change the analysis or the findings in the proposed IHA notice.

TABLE 5—ESTIMATES OF MEAN UNDERWATER SOUND LEVELS * GENERATED DURING IN-WATER VIBRATORY AND IMPACT PILE INSTALLATION AND VIBRATORY PILE REMOVAL

Method	Pile size and type	dB RMS (dB re 1 uPa RMS)	dB peak (dB re 1 uPa peak)	dB SEL (dB re 1 uPa ² -sec)	Reference
Vibratory install and removal	24-inch (61 cm) steel pile.	163	-	-	NMFS 2023 Calculation.
Vibratory Install	Sheet pile pair	160.7	-	-	Caltrans 2015.
Vibratory Install	H-pile	150	-	-	Caltrans 2015.
Vibratory Install	30-inch (76 cm) steel pile.	167	-	-	NMFS2023 Calculation.

TABLE 5—ESTIMATES OF MEAN UNDERWATER SOUND LEVELS * GENERATED DURING IN-WATER VIBRATORY AND IMPACT PILE INSTALLATION AND VIBRATORY PILE REMOVAL—Continued

Method	Pile size and type	dB RMS (dB re 1 uPa RMS)	dB peak (dB re 1 uPa peak)	dB SEL (dB re 1 uPa ² -sec)	Reference
Impact install	30-inch (76 cm) steel pile.	190	210	177	Caltrans 2015.

Note: dB = decibels; dB peak = peak sound level; RMS = root mean square; uPa = micro-Pascals; SEL = sound exposure level; cm = centimeter. * All sound levels are referenced at 10 m.

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 review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) 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 the issuance of the IHA 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 consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS is authorizing take of the following distinct population segments: Western U.S. Steller sea lion, Western North Pacific humpback whale, the Mexico humpback whale, and fin whale, which are listed under the ESA. The Permit and Conservation Division completed a section 7 consultation with the Alaska Regional Office for the issuance of this IHA. The Alaska Regional Office’s biological opinion states that the action is not likely to jeopardize the continued existence of the listed species.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to ARRC for authorization to take marine mammals incidental to Seward Freight Dock construction project in Seward, Alaska.

Dated: May 15, 2025.

Kimberly Damon-Randall,

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

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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; Applications and Reports for Scientific Research and Enhancement Permits Under the Endangered Species Act

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 December 18, 2024 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: Applications and Reports for Scientific Research and Enhancement Permits Under the Endangered Species Act.

OMB Control Number: 0648–0402.

Form Number(s): None.

Type of Request: Regular submission (extension of a currently approved collection).

Number of Respondents: 175 per year.

Average Hours per Response: 12 hours for permit applications; 6 hours for permit modification requests; 2 hours for annual reports.

Total Annual Burden Hours: 810 hours.

Needs and Uses: This is a request for renewal of an approved information collection. The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) imposes prohibitions against the taking of threatened and endangered species. Section 10 of the ESA allows permits authorizing the taking of such species for research and enhancement purposes. The corresponding regulations established procedures for persons to apply for such permits. In addition, the regulations set forth specific reporting requirements for such permit holders. The regulations thus require two sets of information collections: (1) Applications for research/enhancement permits, and (2) prescribed reports for such permits once they are issued.

The required information is used to evaluate the impacts that research and enhancement activities have on endangered species, to make the determinations required by the ESA before issuing any such permit, and to establish appropriate permit conditions. To issue permits under ESA section 10(a)(1)(A), the National Marine Fisheries Service (NMFS) must determine that (1) such exceptions were applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in Section 2 of the ESA. This collection is not being revised in any way.

Affected Public: Federal government; State, local, or tribal governments; business or other for-profit organizations, educational institutions.

Frequency: Annually.

Respondent’s Obligation: Required to Obtain or Retain Benefits.