

Dated: January 11, 2023.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2023–00797 Filed 1–17–23; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 2138]

#### Approval for Production Authority; Foreign-Trade Zone 26, OFS Fitel, LLC (Optical Fiber Products), Carrollton, Georgia

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Georgia Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 26, has requested production authority on behalf of OFS Fitel, LLC (OFS), within FTZ 26 in Carrollton, Georgia (B–2–2022, docketed January 20, 2022);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (87 FR 4195–4196, January 27, 2022) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and

*Whereas*, the Board adopts the findings and recommendations of the examiner’s report, and finds that the requirements of the FTZ Act and the Board’s regulations would be satisfied, and that the proposal would be in the public interest, if subject to the restriction listed below;

*Now, therefore*, the Board hereby orders:

The application for production authority under zone procedures within FTZ 26 on behalf of OFS, as described in the application and **Federal Register** notice, is approved, subject to the FTZ Act and the Board’s regulations, including Section 400.13, and further subject to the following restriction: the authority shall remain in effect for a period of five years from the date of approval by the Board, subject to extension upon review.

Dated: January 11, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2023–00815 Filed 1–17–23; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC655]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Replacement of Pier 3 at Naval Station Norfolk in Norfolk, Virginia

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

**ACTION:** Notice; modification of an incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued a modified incidental harassment authorization (IHA) to the U.S. Navy to incidentally harass, by Level A and Level B harassment, marine mammals during construction activities associated with the replacement of Pier 3 at Naval Station Norfolk at Norfolk, Virginia. **DATES:** This Authorization is effective from the date of issuance through March 31, 2023.

**FOR FURTHER INFORMATION CONTACT:** Kim Corcoran, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application and supporting documents (including **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. 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 issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be 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 such 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 such takings are set forth.

#### History of Request

On March 15, 2022, NMFS issued an incidental harassment authorization (IHA) to the Navy to incidentally harass, by Level A and Level B harassment only, marine mammals during construction activities associated with the Pier 3 Replacement Project at Naval Station (NAVFAC) Norfolk in Norfolk, Virginia (87 FR 15945; March 21, 2022). Species authorized for take included humpback whale (*Megaptera novaeangliae*), bottlenose dolphin (*Tursiops truncatus*), harbor porpoise (*Phocoena phocoena*), harbor seal (*Phoca vitulina*), and gray seal (*Halichoerus grypus*). The effective dates of this IHA are April 1, 2022 through March 31, 2023.

On July 29, 2022, NMFS received a request from the Navy for a modification to the Pier 3 Replacement project IHA due to a change in the construction contractor’s plan to include concurrent pile driving and drilling activities. During consultation for the initial IHA, the Navy did not anticipate the need for concurrent activities in the first year of work. This IHA covers 1 year of a larger project for which the Navy has submitted a request for a Letter of Authorization (LOA) (87 FR 60998; October 7, 2022) for additional work occurring from April 1, 2023 through March 31, 2028. However, the construction contractor has since determined that in order to meet the