

significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- The Level A harassment exposures are anticipated to result only in slight PTS, within the lower frequencies associated with pile driving;
- The anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior that would not result in fitness impacts to individuals;
- The specified activity and ensnified area is very small relative to the overall habitat ranges of all species and does not include habitat areas of special significance (BIAs or ESA-designated critical habitat); and
- The presumed efficacy of the mitigation measures in reducing the effects of the specified activity to the level of least practicable adverse impact.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the Port District's activity will have a negligible impact on all affected marine mammal species or stocks.

#### Small Numbers

As noted above, only small numbers of incidental take may be authorized under Sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such

as the temporal or spatial scale of the activities.

Table 6 presents the number of animals that could be exposed to received noise levels that could cause Level A and Level B harassment for the Port District's activities. Our analysis shows that less than 16 percent of each affected stock could be taken by harassment. The numbers of animals anticipated to be taken for these stocks would be considered small relative to the relevant stock's abundances even if each estimated taking occurred to a new individual—an unlikely scenario.

Based on the analysis contained herein of the Port District's activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

#### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

#### 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 action (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 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 (ESA)

No incidental take of ESA-listed species is authorized 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.

#### Authorization

NMFS has issued an IHA to the Port District for the incidental take of marine mammals due to in-water construction work associated with the Aldo's Seawall Replacement Project in Santa Cruz, CA from June 1, 2019 through May 31, 2020, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: May 14, 2019.

**Donna S. Wieting,**

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

[FR Doc. 2019–10429 Filed 5–17–19; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XG978**

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt six commercial fishing vessels from limited access sea scallop regulations in support of a study on seasonal bycatch distribution and characterize scallop meat health on Georges Bank.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

**DATES:** Comments must be received on or before June 4, 2019.

**ADDRESSES:** You may submit written comments by any of the following methods:

- *Email:* [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line “DA19–034 CFF Seasonal Survey in the Atlantic Sea Scallop Fishery EFP.”

• *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope “DA19–034 CFF Seasonal Survey in the Atlantic Sea Scallop Fishery EFP.”

**FOR FURTHER INFORMATION CONTACT:** Aly Pitts, Fishery Management Specialist, 978–281–9352.

**SUPPLEMENTARY INFORMATION:**

Coonamesett Farm Foundation (CFF) submitted an exempted fishing permit (EFP) application in support of a project titled “Seasonal Survey in the Atlantic Sea Scallop Fishery,” that has been funded under the 2019 Atlantic Sea Scallop Research Set-Aside (RSA) Program.

This project would look primarily at the seasonal distribution of bycatch of yellowtail and windowpane flounder on the eastern part of Georges Bank in relation to sea scallop meat weight yield. Additional objectives include testing of an experimental cover net to better understand dredge efficiency and selectivity, and collection of biological samples to examine scallop meat quality and yellowtail flounder liver disease. Investigators would also work in cooperation with New Hampshire Fish and Game (NHFG) and the Atlantic Offshore Lobstermen’s Association (AOLA) to tag female lobsters.

To enable this research, CFF is requesting exemptions for six commercial fishing vessels from the Atlantic sea scallop days-at-sea (DAS) allocations at 50 CFR 648.53(b); crew size restrictions at § 648.51(c); observer

program requirements at § 648.11(g); Closed Area II (CAII) scallop gear restrictions specified at § 648.81(b); and access area program requirements at § 648.59(a)(1)–(3), (b)(2), (b)(4), Closed Area II Scallop Access Area Seasonal Closure at § 648.60(d)(2); and dredge or net obstructions at § 648.51(b)(4)(iii). CFF has also requested that vessels be exempt from possession limits and minimum size requirements specified in part 648, subsections B and D through O for biological sampling, and § 697.20 for lobster sampling and tagging purposes only.

Participating vessels would conduct scallop dredging from August 2019 through June 2020. Six vessels would conduct a total of six 5-day trips, for a total of 30 days at sea (DAS). The survey area would be in Closed Area II Access Area, with 3 stations north of the Closed Area II Access Area. Open area tows would be conducted on the western and southern boundaries of Closed Area II.

There is a potential for gear conflict with lobster gear in the central portion of Closed Area II. In an effort to help mitigate gear interactions, CFF would distribute the time and location of stations to the lobster industry, work only during daylight hours, post an extra lookout to avoid gear, and actively avoid tangling in stationary gear. The project would work in cooperation in with NHFG and AOLA to tag lobsters with the primary goal of documenting their movement on and off Georges Bank. The applicant states that data from the tagging project could also help

answer questions of lobster discard mortality in the scallop fishery.

All tows would be conducted with two 15-foot (4.6-m) turtle deflector dredges for a duration of 30 minutes using an average tow speed of 4.8 knots. Both dredges would be rigged with a 7-row apron and twine top hanging ratio of 2:1, the experimental dredge would have an attached cover net with 2-inch (5.0-cm) mesh extending from the back of the head bale to the clubstick. Both dredge frames would be rigged with identical rock and tickler chain configurations, 10-inch (25.4-cm) twine top, and 4-inch (10.2-cm) ring bag. Gear comparison data will help improve efforts to reduce scallop dredge bycatch. With the exception of the cover net, dredge gear would conform to scallop gear regulations.

For all tows, the entire sea scallop catch would be counted into baskets and weighed. One basket from each dredge would be randomly selected, and the scallops would be measured in 5-millimeter increments to determine size selectivity. All finfish catch would be sorted by species and then counted and measured. Weight, sex, and reproductive state would be determined for a random subsample (n=10) of yellowtail, winter, and windowpane flounders. Lobsters would be measured, sexed, and evaluated for damage and shell disease. No catch would be retained for longer than needed to conduct scientific sampling, and no catch would be landed for sale. All catch estimates for the project are listed in Table 1, below.

TABLE 1—COONAMESSETT FARM FOUNDATION GEORGES BANK SCALLOP RESEARCH PROJECT

Common name	Scientific name	Estimated weight (lb) *	Estimated weight (kg)
Sea Scallop .....	<i>Placopecten magellanicus</i> .....	33,103	111,758
Yellowtail Flounder .....	<i>Limanda ferruginea</i> .....	1,097	498
Winter Flounder .....	<i>Pseudopleuronectes americanus</i> .....	1,605	69
Windowpane Flounder .....	<i>Scophthalmus aquosus</i> .....	5,656	2,195
Summer Flounder .....	<i>Paralichthys dentatus</i> .....	1,886	495
Fourspot Flounder .....	<i>Paralichthys oblongus</i> .....	148	342
American Plaice .....	<i>Hippoglossoides platessoides</i> .....	180	52
Grey Sole .....	<i>Glyptocephalus cynoglossus</i> .....	24	29
Haddock .....	<i>Melanogrammus aeglefinus</i> .....	116	25
Atlantic Cod .....	<i>Gadus morhua</i> .....	199	60
Monkfish .....	<i>Lophius americanus</i> .....	16,839	9,218
Spiny Dogfish .....	<i>Squalus acanthias</i> .....	173	25
Barndoor Skates .....	<i>Dipturus laevis</i> .....	2,217	2,018
NE Skate Complex (excluding barndoor skate) .....	<i>Leucoraja erinacea</i> , <i>Leucoraja ocellata</i> .....	127,055	48,920
American lobster .....	<i>Homarus americanus</i> .....	196 **	

\*Weights estimated using catch from a similar 2017 project.

\*\* Number of individual animals estimated to be caught.

The applicant states that the exemptions are necessary to allow them

to conduct experimental dredge towing without being charged DAS, evaluate

twine top and dredge apron escapement, and deploy gear in areas that are

currently closed to scallop fishing. Participating vessels need crew size waivers to accommodate science personnel. Exemptions from possession limits would allow researchers to sample finfish and lobster catch that exceeds possession limits or prohibitions. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations. Researchers from CFF will accompany each trip taken under the EFP. The goal of the proposed work is to provide information on spatial and temporal patterns in bycatch rates in the scallop fishery, with the objective of identifying mechanisms to mitigate bycatch. The data collected would enhance understanding of bycatch and scallop yield as they relate to access and open area management.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: May 14, 2019.

**Kelly L. Denit,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2019-10356 Filed 5-17-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

[Docket Number DARS-2019-0021; OMB Control Number 0704-0549]

### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Contractors Performing Private Security Functions Outside the United States

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, DoD

announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2019. DoD proposes that OMB extend its approval for three additional years.

**DATES:** DoD will consider all comments received by July 19, 2019.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0549, using any of the following methods:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

○ *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include OMB Control Number 0704-0549 in the subject line of the message.

○ *Fax:* 571-372-6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Barbara Trujillo, OUSD(A&S)DPC(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Barbara Trujillo, 571-372-6102. The information collection requirements addressed in this notice are available electronically on the internet at: <http://www.acq.osd.mil/dpap/dfars/index.htm>. Paper copies are available from Ms. Barbara Trujillo, OUSD(A&S)DPC(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060.

#### SUPPLEMENTARY INFORMATION:

*Title, Associated Form, and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) part 225, Foreign Acquisition, and Defense Contractors Performing Private Security Functions Outside the United States; OMB Control Number 0704-0549.

*Needs and Uses:* Geographic combatant commanders use the information reported by private security contractors on security incidents in order to properly account for and track contractor personnel and assets in theater and to respond to security incidents as deemed necessary.

*Affected Public:* Businesses entities.

*Respondent's Obligation:* Required to obtain or retain benefits.

*Type of Request:* Renewal of a currently approved collection.

*Reporting Frequency:* On occasion.

*Number of Respondents:* 12.

*Responses per Respondent:* 4.

*Annual Responses:* 48.

*Average Burden per Response:* .5 hour.

*Annual Response Burden Hours:* 24.

#### Summary of Information Collection

Geographic combatant commanders are required by statute to establish procedures and assign responsibilities for ensuring that contractors and contractor personnel report certain security incidents when performing private security functions in covered operational areas. The clause at DFARS 252.225-7039, Defense Contractors Performing Private Security Functions Outside the United States, requires contractors and subcontractors performing private security functions in designated operational areas outside the United States to comply with 32 CFR 159 and any orders, directives, and instructions contained in the contract on reporting the following types of incidents to the geographic combatant commander if and when they occur:

(a) A weapon is discharged by personnel performing private security functions.

(b) Personnel performing private security functions are attacked, killed, or injured.

(c) Persons are killed or injured or property is destroyed as a result of conduct by contractor personnel.

(d) A weapon is discharged against personnel performing private security functions or personnel performing such functions believe a weapon was so discharged.

(e) Active, non-lethal countermeasures (other than the discharge of a weapon) are employed by personnel performing private security functions in response to a perceived immediate threat.

*DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

[FR Doc. 2019-10458 Filed 5-17-19; 8:45 am]

**BILLING CODE 5001-06-P**