

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 proposed 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.

The numbers of marine mammals that we authorize to be taken, for all species and stocks, would be considered small relative to the relevant stocks or populations (less than 28 percent for two of seventeen species and stocks, and less than 1 percent for all remaining species and stocks). See Table 6. Based on the analysis contained herein of the 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 evaluate our proposed action (*i.e.*, the promulgation of regulations and subsequent issuance of incidental take authorization) and

alternatives with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 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 proposed action qualifies to be categorically excluded from further NEPA review.

#### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (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, in this case with the NMFS Greater Atlantic Regional Fisheries Office (GARFO), whenever we propose to authorize take for endangered or threatened species.

The NMFS Office of Protected Resources Permits and Conservation Division is authorizing the incidental take of four species of marine mammals which are listed under the ESA: The North Atlantic right, fin, sei and sperm whale. We requested initiation of consultation under Section 7 of the ESA with NMFS GARFO on September 30, 2019, for the issuance of this IHA. In November, 2019, NMFS GARFO determined our issuance of the IHA to Skipjack was not likely to adversely affect the North Atlantic right, fin, sei and sperm whale or the critical habitat of any ESA-listed species or result in the take of any marine mammals in violation of the ESA.

#### Authorization

NMFS has issued an IHA to Skipjack for conducting marine site characterization surveys offshore of Delaware and Maryland, from the date of issuance for a period of one year, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: November 26, 2019.

**Angela Somma,**

*Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[RTID 0648-XR070]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Geophysical Survey in the Atlantic Ocean

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

**ACTION:** Notice; proposed revised incidental harassment authorization (IHA); request for comments.

**SUMMARY:** On November 30, 2018, NMFS issued an IHA to ION GeoVentures, pursuant to the Marine Mammal Protection Act (MMPA). NMFS has received a request, co-signed by officers from ION GeoVentures (ION) and GX Technology Corporation (GXT), to administratively change the name of the holder of the subject IHA from ION to GXT. No other changes are proposed. NMFS is inviting comments on the proposed change.

**DATES:** Comments and information must be received no later than January 2, 2020.

**ADDRESSES:** Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Laws@noaa.gov](mailto:ITP.Laws@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at [www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey](http://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey).

*activity-atlantic* without change. All personal identifying information (*e.g.*, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the original IHA, change request, and other documents relevant to issuance of the original IHA may be obtained online at: [www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-atlantic](http://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-atlantic). In case of problems accessing these documents, please call the contact listed above.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

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 authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

##### **Summary of Request**

On November 30, 2018, NMFS issued an IHA to ION to take marine mammals, by harassment, incidental to a proposed geophysical survey in the Atlantic Ocean (83 FR 63268). NMFS subsequently received a written request, co-signed by officers from both ION and GXT, to administratively change the name of the IHA holder from ION to GXT. This November 6, 2019, request states that GXT, a U.S. corporation, is a wholly owned subsidiary of ION Exploration Productions (U.S.A.), Inc., which, in turn, is wholly owned by ION Geophysical Corporation. The request further states that "ION GeoVentures" is the name of a business unit within ION

Geophysical Corporation that performs a specific business function for entities in the corporate structure of ION Geophysical Corporation, including for GXT. According to the request, however, GXT is the company that plans to carry out the subject geophysical survey in the Atlantic Ocean and should have been listed as the applicant. The request explains that inclusion of the name "ION GeoVentures" on the original IHA request was an unintentional clerical error. With the name change, GXT expressly agrees to comply with the associated terms, conditions, stipulations, and restrictions of the original IHA.

Based on this request, we propose to revise the issued IHA by correcting the name of the IHA holder to reflect GXT. No other changes were requested. Written notification has not yet been received from the IHA holder and, therefore, the IHA is not yet effective. The revised IHA, if issued, would become effective upon notification from the IHA holder, with an expiration date no later than November 30, 2020.

There are no other changes to the issued IHA as described in the December 7, 2018, **Federal Register** notice of a final IHA (83 FR 63268): The specified activity; description of marine mammals in the area of the specified activity; potential effects on marine mammals and their habitat; mitigation and related monitoring used to implement mitigation; reporting; estimated take by incidental harassment; negligible impact and small numbers analyses and determinations; impact on availability of affected species or stocks for subsistence uses and the period of effectiveness remain unchanged and are herein incorporated by reference.

##### **Proposed Revisions to the IHA**

NMFS is proposing a change in the name of the holder of the IHA from "ION GeoVentures" to "GX Technology Corporation."

##### **Request for Public Comments**

NMFS invites comment on the proposed change in the name of the holder of the IHA only. The scope of NMFS' decision and, therefore, the scope of this solicitation for public comment, is limited to the requested change. Comments that are not relevant to this decision will not be considered. Please include with your comments any supporting information to help inform our final decision on GXT's request.

Dated: November 26, 2019.

**Angela Somma,**

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

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## **DEPARTMENT OF COMMERCE**

### **Patent and Trademark Office**

**[Docket No. PTO-C-2019-0038]**

#### **Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation**

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

**ACTION:** Request for comments; extension of comment period.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) published a request for comments in the **Federal Register** on October 30, 2019, seeking public comment on the impact of artificial intelligence ("AI") technologies on intellectual property law and policy. Through this notice, the USPTO is extending the period for public comment until January 10, 2020. **DATES:** Written comments must be received on or before January 10, 2020. **ADDRESSES:** Written comments should be sent by email to [AIPartnership@uspto.gov](mailto:AIPartnership@uspto.gov). Comments may also be submitted by postal mail addressed to the Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via email.

Because written comments and testimony will be made available for public inspection, information that a respondent does not desire to be made public, such as a phone number, should not be included in the testimony or written comments.

**FOR FURTHER INFORMATION CONTACT:** Coke Stewart, Office of the Under Secretary and Director of the USPTO, (571) 272-8600.

**SUPPLEMENTARY INFORMATION:** On October 30, 2019, the United States Patent and Trademark Office published a notice in the **Federal Register** requesting public input on copyright, trademark, and other intellectual property rights issues that may be impacted by AI. *See* Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation, 84 FR 58141 (Oct. 30, 2019). The notice requested public comments