

interactions with protected species. NMFS had sought to withdraw its proposed hard caps rule, after public comment had demonstrated closures would cause fishermen economic hardships NMFS had not anticipated. In February 2021, the federal court in the District of Columbia vacated the rule, agreeing that NMFS had found that the rule did not comply with National Standard 7's requirement to, where practicable, minimize costs and avoid unnecessary duplication.

NMFS made a NID for the CA thresher shark/swordfish drift gillnet fishery's current bycatch using the process outlined in the directive, and, based on the best available scientific information (NMFS 2020). While implementation of future fishery management actions in the CA thresher shark/swordfish drift gillnet fishery could affect marine mammal bycatch rates, consideration of those actions are not relevant to or needed to support the determinations for this permit.

*Comment 4:* Oceana comments NMFS's NID is biased towards inflating PBR and underestimating M/SI in the CA drift gillnet fishery. They state that, in 2016, NMFS established separate DPSs for humpback whales, including the Mexican and Central American DPSs. However, both the SAR and NID combine the Mexican and Central American DPSs into the CA/OR/WA stock of humpback whale and do not consider declines in the humpback population since 2018.

Oceana also notes that the NID analysis does not include two observed entanglements in drift gillnet gear in 2021. They note that observer coverage for the 2021–22 fishing season is not yet available, as the fishing season has not concluded. However, using an estimate of 20 percent observer coverage, the two observed entanglements would be approximately five total takes using a ratio estimator approach.

*Response:* Humpback whales were listed globally as endangered under the ESA in 1970 (35 FR 18319). On September 8, 2016, NMFS published a final rule dividing the globally listed endangered humpback whale into 14 DPSs and categorizing four DPSs as endangered and one as threatened (81 FR 62259). NMFS is in the process of revising humpback whale stock structure under the MMPA in light of the 2016 final rule on humpback whale DPSs as established under the ESA. In doing so, NMFS is following the process laid out in “Procedural Directive 02–204–03: Reviewing and Designating Stocks and Issuing Stock Assessment Reports under the Marine Mammal Protection Act” (NMFS 2019). As noted

by the commenter, the CA/OR/WA stock of humpback whales does not align with the DPSs established under the ESA and comprises animals from the endangered Central American DPS, the threatened Mexico DPS, and the unlisted Hawaii DPS.

Because we cannot manage one portion of an MMPA stock as ESA-listed and another portion of a stock as not ESA-listed, until humpback whale stock structure has been revised, NMFS continues to use the existing MMPA stock structure for MMPA management purposes, including NIDs and 101(a)(5)(E) authorizations. Therefore, for purposes of evaluating the impact of the CA thresher shark/swordfish drift gillnet fishery under the MMPA, NMFS used the current MMPA designation of the CA/OR/WA stock of humpback whales. In the case of the CA/OR/WA stock of humpback whales, for the purposes of this NID analysis, NMFS considers the entire stock to be endangered under the ESA and depleted under the MMPA. In addition, because the CA/OR/WA humpback whale stock is considered to be transboundary, NMFS assumed NITt is exceeded and conducted the more conservative Tier 2 analysis with the lower NITs criterion.

The most recent (draft 2021) CA/OR/WA humpback whale SAR has documented M/SI of the CA/OR/WA stock of humpback whale incidental to this fishery (Carretta *et al.* 2021). The draft 2021 SAR includes observer data through the 2019 fishing season. NMFS anticipates that future SARs will incorporate bycatch estimates for the CA thresher shark/swordfish drift gillnet fishery that include recent observed M/SI in 2021 after they have been completed.

Given this approach and ongoing efforts to revise humpback whale stock structure in the Pacific, NMFS has proceeded with a final NID for the CA thresher shark/swordfish drift gillnet fishery with respect to the CA/OR/WA stock of humpback whales and is issuing a 101(a)(5)(E) permit for this fishery. Nevertheless, if, during the 3-year authorization, there is a significant change in the information or conditions used to support any of these determinations, including a change in MMPA stock structure and associated estimates of abundance and M/SI incidental to commercial fisheries, NMFS may re-evaluate the NID.

#### References

Carretta, J.W., K.A. Forney, E.M. Olson, D.W. Weller, A.R. Lang, J. Baker, M.M. Muto, B. Hanson, A.J. Orr, J. Barlow, J.E. Moore, and R.L. Brownell. 2021. Draft U.S. Pacific Marine Mammal Stock

Assessments: 2021. NOAA–TM–NMFS–SWFSC–XXX.

Carretta, J.W., K.A. Forney, E.M. Olson, D.W. Weller, A.R. Lang, J. Baker, M.M. Muto, B. Hanson, A.J. Orr, J. Barlow, J.E. Moore, and R.L. Brownell. 2021. U.S. Pacific Marine Mammal Stock Assessments: 2020. NOAA–TM–NMFS–SWFSC–646.

National Marine Fisheries Service (NMFS). 2020. National Marine Fisheries Service Procedure 02–204–02: Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E). 20 p. Available online: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>.

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National Marine Fisheries Service (NMFS). 2016. National Marine Fisheries Service Procedure 02–204–01: Guidelines for preparing stock assessment reports pursuant to the 1994 amendments to the Marine Mammal Protection Act. 23 p. Available online: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/guidelines-assessing-marine-mammal-stocks>.

National Marine Fisheries Service (NMFS). 2014. National Marine Fisheries Service Procedure 02–238–01: Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals. 42 p. Available online: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-policies-guidance-and-regulations>.

Dated: May 5, 2022.

**Kimberly Damon-Randall,**

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

[FR Doc. 2022–10066 Filed 5–10–22; 8:45 am]

**BILLING CODE 3510–22–P**

## 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; Highly Migratory Species Tournament Registration and Reporting

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 February 4, 2022, 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:** Highly Migratory Species Tournament Registration and Reporting. **OMB Control Number:** 0648-0323.

**Form Number(s):** None.

**Type of Request:** Regular submission (extension of a current information collection).

**Number of Respondents:** 300.

**Average Hours per Response:**

Tournament registration, 2 minutes; tournament summary report, 20 minutes.

**Total Annual Burden Hours:** 110.

**Needs and Uses:** This request is for extension of a currently approved information collection. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), NOAA's National Marine Fisheries Service (NMFS) is responsible for management of the nation's marine fisheries. Existing regulations require operators of tournaments involving Atlantic highly migratory species (HMS; Atlantic swordfish, sharks, billfish, and tunas) to register four weeks in advance of the tournament. Operators must provide contact information and the tournament's date(s), location(s), and target species. If selected by NMFS, operators are required to submit an HMS tournament summary report within seven days after tournament fishing has ended. Most of the catch data in the summary report is routinely collected in the course of regular tournament operations. NMFS uses the data to estimate the total annual catch of HMS and the impact of tournament operations in relation to other types of fishing activities. In addition, HMS tournament registration provides a method for tournament operators to request educational and regulatory outreach materials from NMFS. No changes to the reporting requirements are being made at this time..

**Affected Public:** Business or other for-profit organizations; Not-for-profit institutions.

**Frequency:** Annually; on occasion.

**Respondent's Obligation:** Mandatory.

**Legal Authority:** Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*)

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0323.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2022-10112 Filed 5-10-22; 8:45 am]

**BILLING CODE 3510-22-P**

## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2012-0056]

### Agency Information Collection Activities; Proposed Collection; Comment Request; Safety Standard for Omnidirectional Citizens Band Base Station Antennas

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (Commission or CPSC) requests comments on a proposed extension of approval for a collection of information associated with the Commission's Safety Standard for Omnidirectional Citizens Band Base Station Antennas, approved previously under OMB Control No. 3041-0006. CPSC will consider all comments received in response to this notice before requesting an extension of this collection of information from the Office of Management and Budget (OMB).

**DATES:** Submit written or electronic comments on the collection of information by July 11, 2022.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC-2012-0056, by any of the following methods:

**Electronic Submissions:** Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by electronic mail (email), except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

**Mail/Hand Delivery/Courier/**

**Confidential Written Submissions:**

Submit comments by mail, hand delivery, or courier to: Division of the Secretariat, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**Instructions:** All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit through this website: Confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

**Docket:** For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2012-0056, into the "Search" box, and follow the prompts.

#### FOR FURTHER INFORMATION CONTACT:

Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504-7991, or by email to: [cgillham@cpsc.gov](mailto:cgillham@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** CPSC seeks to renew the following currently approved collection of information:

**Title:** Safety Standard for Omnidirectional Citizens Band Base Station Antennas.

**OMB Number:** 3041-0006.

**Type of Review:** Renewal of collection.

**Frequency of Response:** On occasion.

**Affected Public:** Manufacturers, importers, and private labelers of