

does not necessitate any changes to the criteria in the 2024 Updated Technical Guidance (*i.e.*, kurtosis affects implementation of the acoustic criteria, not the criteria themselves).

*Comment 29:* A group of commenters noted that for VHF cetaceans, there is one study (Kastelein *et al.* 2017c) where a higher peak sound pressure level (PK SPL) (199 dB) did not trigger TTS (maximum threshold shift of 3 to 5 dB), but Lucke *et al.* 2009 obtained significant TTS with a lower level PK SPL (195 dB) using AEP measurements. The commenters state these contradicting results highlight that PK SPL is currently not a robust and good predictor of TTS, and suggest that NMFS provide stronger reasoning on the choice of Lucke *et al.* 2009, while Kastelein *et al.* 2017c used behavioral methods (preferred method in Acoustic Guidance and Appendix A, Navy's Technical Report).

*Response:* NMFS acknowledges there are limited marine mammal data available for impulsive sounds reporting the PK SPL metric. However, we disagree that PK SPL is not a good predictor of TTS and believe it has inherent value in establishing marine mammal AUD INJ and TTS criteria. As stated in the 2024 Updated Technical Guidance, sound exposure containing transient components (*e.g.*, short duration and high amplitude; impulsive sounds) can create a greater risk of causing direct mechanical fatigue to the inner ear (as opposed to strictly metabolic) compared to sounds that are strictly non-impulsive (Henderson and Hamernik 1986; Levine *et al.* 1998; Henderson *et al.* 2008). Often the risk of damage from these transient components does not depend on the duration of exposure. Thus, weighted SEL<sub>24h</sub> is not an appropriate metric to capture all the effects of impulsive sounds, which is why instantaneous PK SPL has also been chosen as part of NMFS's dual metric criteria for impulsive sounds. Of note, human noise standards recognize and provide separate criteria for impulsive sound sources using the PK SPL metric (Occupational Safety and Health Administration 29 CFR 1910.95; Starck *et al.* 2003).

As indicated in the document (Appendix A, Navy's Technical Report), PK SPL thresholds for TTS were based on TTS data from single impulsive sound exposures that produced 6 dB or more TTS for the HF and VHF cetaceans (the only groups for which data are available). The PK SPL thresholds from these data were 224 and 196 dB, for HF and VHF cetaceans, respectively (table A.5, Finneran *et al.* 2002; Lucke *et al.*

2009). The choice of relying on Lucke *et al.* 2009, even though it relies on AEP data, is due to the limited nature of the impulse TTS data for marine mammals and the likelihood that the VHF cetaceans are more susceptible than the HF cetaceans (*i.e.*, use of the HF cetacean value is not appropriate). Based on the limited data, it is reasonable to assume that the exposures described by Lucke *et al.* 2009, which produced AEP-measured TTS of up to 20 dB, would have resulted in a behavioral TTS of at least 6 dB. Finally, Kastelein *et al.* 2017c is not used because it did not meet our definition of TTS as requiring a threshold shift of at least 6 dB.

#### *Future Updates to Technical Guidance*

*Comment 30:* A group of commenters stated it is unclear how/when NMFS will decide the appropriate timeline to next update the Technical Guidance. They also questioned how NMFS will integrate future data in future iterations and whether an update would require another Navy Technical Report or Southall *et al.* publication.

*Response:* The 2024 Updated Technical Guidance provides a procedure and timeline for future updates in Section 3.1., where it indicates that NMFS will continue to monitor and evaluate new data as they become available and periodically convene staff from our various offices, regions, and science centers to revise the Updated Technical Guidance as appropriate (anticipating updates to occur on a three to five year cycle). A new Navy Technical Report and/or Southall *et al.* publication would be considered if either becomes available.

Finally, as mentioned in an earlier response, NMFS is aware that the National Marine Mammal Foundation successfully collected preliminary hearing data on 2 minke whales during their third field season (2023) in Norway. However, at this time, no official results have been published. Furthermore, a fourth field season (2024) was recently completed, where more data were collected. Thus, it is premature for NMFS to propose any changes at this time. However, mysticete hearing data is identified as a special circumstance that could merit re-evaluating the acoustic criteria in the 2024 Updated Technical Guidance, once the data from both field seasons are published.

#### *Miscellaneous Issues*

*Comment 31:* A group of commenters stated that the absence of consideration of ambient noise in measurements targeted at measuring a single source

can be problematic, as certain environments have already elevated ambient noise levels even without the introduction of any specific source or activity. NMFS listed "Multiple sources" as a research priority in Appendix B (Research Recommendations for Improved Criteria), and while the commenters agree that information on multiple sources might be important to better characterize how the acoustic environment of animals might change, it is also critical to recognize the importance of ambient noise, particularly if NMFS recommends applicants consider recording broadband measurements.

*Response:* NMFS agrees that characterizing the existing soundscape is an important consideration and has added it to the Appendix B (Research Recommendations for Improved Criteria) as suggested.

*Comment 32:* Several commenters inquired about the status of NMFS updating behavioral disturbance criteria for marine mammals.

*Response:* Behavioral disturbance criteria are outside the scope of the 2024 Updated Technical guidance. However, NMFS is currently in the process of developing draft marine mammal behavioral disturbance criteria. To date, we have completed a NMFS internal review and have started the peer review via the Center for Independent Experts (July 2024). For more information on how this review is progressing, please see: <https://www.noaa.gov/information-technology/national-marine-fisheries-services-development-of-recommended-behavioral-disturbance-criteria-for>.

Dated: October 21, 2024.

**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; High Seas Fishing Permit Application, Logbook Reporting, and Vessel Marking**

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites 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. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before December 23, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648–0304 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Terra Lederhouse, Chief, International Fisheries Division and Jasmine Prat, Foreign Affairs Specialist, Office of International Affairs, National Marine Fisheries Service (NMFS), 1315 East West Hwy., Bldg. SSMC3, Silver Spring, MD 20910–3282, by phone 301–427–8360, or by email at [terra.lederhouse@noaa.gov](mailto:terra.lederhouse@noaa.gov) and [jasmine.prat@noaa.gov](mailto:jasmine.prat@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This is a request for an extension of a currently approved collection. The NMFS Office of International Affairs, Trade, and Commerce collects information about United States (U.S.) vessels that fish on the high seas (waters beyond the U.S. exclusive economic zone). Such vessels are required to possess a fishing permit issued under the authority of the High Seas Fishing Compliance Act (HSFCA). Applicants for this permit must submit information (including a photo) to identify their vessels, and about owners and operators of the vessels, and intended fishing areas and fishing gear. The information submitted on the application is used to process permits and to maintain a

register of U.S. vessels authorized to fish on the high seas.

Implementing regulations for the HSFCA also require vessels be marked for identification and enforcement purposes. Vessels must be marked in three locations (port and starboard sides of the deckhouse or hull, and on a weatherdeck) with their official number or radio call sign. Additional regulatory requirements include reporting on fishing activities and transshipments, notification of fishing trips for embarking observers (if selected), and operating a vessel monitoring system including power up and power down notifications. Finally, vessel operators may make requests for NMFS to authorize new fisheries (fishing gear, fishing area, target species) for U.S. vessels operating on the high seas. These requirements apply to all U.S. vessels fishing on the high seas.

**II. Method of Collection**

Owners or operators of high seas fishing vessels must submit electronic permit applications (including vessel photo) via the NMFS online permitting system. Vessel operators submit logbook pages/transshipment notices/declarations to NMFS by email. Notifications for observer coverage and power down/power up of vessel monitoring systems are submitted via email. Requests for authorizing new fisheries on the high seas are submitted via letter/email. No information is submitted for the vessel marking requirement. The markings are only displayed on the vessel.

**III. Data**

*OMB Number:* 0648–0304.

*Form Number:* None.

*Type of Review:* Regular submission (extension of a currently approved information collection).

*Affected Public:* Business or other for profit organizations.

*Estimated Number of Respondents:* 600.

*Estimated Time per Response:* 30 minutes per electronic vessel permit application including uploading a vessel photograph; for logbook reports, 6 minutes per day for days fish are caught, 1 minute per day for days when fish are not caught; 45 minutes (15 minutes for each of 3 locations) for vessel markings; 5 minutes for advance notices of transshipment and 10 minutes for transshipment reports; 5 minutes for power up/power down notifications for enhanced mobile transceiver units; 5 minutes to notify NMFS of a fishing trip to allow for observer coverage; and 30 minutes to

prepare/submit requests to authorize a new fishery on the high seas.

*Estimated Total Annual Burden Hours:* 302.

*Estimated Total Annual Cost to Public:* \$162,919.

*Respondent's Obligation:* Mandatory (voluntary circumstances for new fishery authorization requests).

*Legal Authority:* HSFCA (Pub. L. 104–43) codified at 16 U.S.C. 5501 *et seq.*

**IV. Request for Comments**

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

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

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