

with U.S. export controls and regulations;

- Certify that it has identified to the Department of Commerce for its evaluation any business pending before the Department that may present the appearance of a conflict of interest;

- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce; and

- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

In the case of a trade association/organization, the applicant must certify that each firm or service provider to be represented by the association/organization can make the above certifications.

Selection Criteria for Participation

- Suitability of the company's (or, in the case of a trade association or trade organization, represented companies') products or services to the market.

- Company's (or, in the case of a trade association or trade organization, represented companies') potential for business in the country and region, including likelihood of exports resulting from the mission.

- Consistency of the applicant's goals and objectives with the stated scope of the mission. Balance of company size, sector or subsector, and location may also be considered during the review process.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Timeline for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (<http://export.gov/trademissions>) and other Internet Web sites, press releases to general and trade media, direct mail, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for the mission will begin immediately and conclude no later than January 31, 2017.

The U.S. Department of Commerce will review applications and inform applicants of selection decisions on a staggered basis during the recruitment period beginning October 7, 2016.

Applications received after January 31, 2017, will be considered only if space and scheduling constraints permit.

FOR FURTHER INFORMATION CONTACT: Gemal Brangman, Trade Promotion Programs Team Lead, U.S. Department of Commerce, Washington, DC, *Tel:* 202-482-3773, *Email:* Gemal.Brangman@trade.gov.

Frank Spector,

Trade Missions Program.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF004

Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel

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

ACTION: Notice of public meeting and webinar/conference call.

SUMMARY: NMFS will hold a 2-day Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting in December 2016. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS, specifically Amendment 5b to the 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP). The meeting is open to the public.

DATES: The AP meeting and webinar will be held from 1:30 p.m. to 5:30 p.m. on Thursday, December 1, 2016, and from 8:30 a.m. to 11:30 a.m. on Friday, December 2, 2016.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814. The meeting presentations will also be available via WebEx webinar/conference call.

The meeting on Thursday, December 1, and Friday, December 2, 2016, will also be accessible via conference call and webinar. Conference call and webinar access information are available at: http://www.nmfs.noaa.gov/sfa/hms/advisory_panels/hms_ap/meetings/dec-2016/ap-meeting.html.

Participants are strongly encouraged to log/dial in 15 minutes prior to the

meeting. NMFS will show the presentations via webinar and allow public comment during identified times on the agenda.

FOR FURTHER INFORMATION CONTACT: Peter Cooper or Margo Schulze-Haugen at (301) 427-8503.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act, Public Law 104-297, provided for the establishment of an AP to assist in the collection and evaluation of information relevant to the development of any FMP or FMP amendment for Atlantic HMS. NMFS consults with and considers the comments and views of AP members when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks.

The AP has previously consulted with NMFS on: Amendment 1 to the Billfish FMP (April 1999); the HMS FMP (April 1999); Amendment 1 to the HMS FMP (December 2003); the Consolidated HMS FMP (October 2006); and Amendments 1, 2, 3, 4, 5a, 5b, 6, 7, 8, 9 and 10 to the 2006 Consolidated HMS FMP (April and October 2008, February and September 2009, May and September 2010, April and September 2011, March and September 2012, January and September 2013, April and September 2014, March and September 2015, March and September 2016), among other things.

The intent of this meeting is for NMFS to consult with the AP on the proposed management measures contained in Draft Amendment 5b to the 2006 Consolidated Atlantic HMS FMP, which proposes a range of management measures to prevent overfishing and rebuild dusky sharks. These measures are based on a recent stock assessment that determined dusky sharks—a prohibited species since 2000—are overfished and still experiencing overfishing. Draft Amendment 5b could affect any commercial fishermen with HMS permits, any recreational fishermen who catch sharks of any species, and any dealers who buy or sell sharks or shark products.

Additional information on the meeting and a copy of the draft agenda will be posted prior to the meeting at: http://www.nmfs.noaa.gov/sfa/hms/advisory_panels/hms_ap/meetings/ap_meetings.html.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to

Peter Cooper at (301) 427-8503 at least 7 days prior to the meeting.

Dated: November 9, 2016.

Jennifer M. Wallace,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-BC69

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Elliot Bay Seawall Project in Seattle, Washington

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

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that a Letter of Authorization (LOA) has been issued to the City of Seattle's Department of Transportation (SDOT) for the take of eight species of marine mammals incidental to pile driving activities associated with the Elliot Bay Seawall Project (EBSP).

DATES: Effective for a period of one year from November 16, 2016.

ADDRESSES: The LOA and supporting documentation are available for review online at: www.nmfs.noaa.gov/pr/permits/incidental/construction.htm. Documents cited in this notice may also be viewed, by appointment, during regular business hours at the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, by telephoning the contact listed below.

FOR FURTHER INFORMATION CONTACT: Stephanie Egger, Office of Protected Resources, NMFS, 301-427-8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce 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

regulations are issued. Under the MMPA, the term "take" means to harass, hunt, capture, or kill marine mammals. Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the identified 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 in the regulations. NMFS has defined "negligible impact" in 50 CFR 216.103 as ". . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Regulations governing the taking of harbor seals (*Phoca vitulina richardii*), California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus monteriensis*), harbor porpoise (*Phocoena phocoena vomerina*), Dall's porpoise (*Phocoenoides dalli dalli*), southern resident and transient killer whales (*Orcinus orca*), gray whales (*Eschrichtius robustus*), and humpback whales (*Megaptera novaeangliae*), by harassment, incidental to pile driving activities in Elliot Bay for the EBSP, were issued on October 21, 2013, and remain in effect until October 21, 2018. The regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during pile driving activities associated with the EBSP. For detailed information on this action, please refer to the **Federal Register** Notice for the regulations at 78 FR 63396 (October 24, 2013).

Pursuant to those regulations, NMFS issued an LOA, effective from October 22, 2013, through October 21, 2014, a second LOA, effective from October 22, 2014, through October 21, 2015, and a third LOA, effective October 22, 2015, through August 31, 2016. SDOT conducted activities as described, implemented the required mitigation methods, and conducted the required monitoring. NMFS announces here that it has issued a fourth LOA, effective for one year, beginning November 16, 2016.

Monitoring Reports

According to prior monitoring reports, no marine mammals entered the Level A harassment zone during the first year of the project (2013-2014 LOA). Two marine mammals entered the Level A harassment zone during the second year (2014-2015 LOA), but work was

stopped or not initiated until the animal left the Level A harassment zone. Six killer whales were observed in the Level A harassment zone during the third year of the project (2015-2016 LOA), but pile activity was not occurring at the time. Low-frequency cetaceans (*e.g.*, humpback whales, gray whales) have rarely been observed during the past three years of this project (one humpback in the 2015-2016 LOA and the 2014-2015 LOA). No gray whales have been observed. Low numbers of high- and mid-frequency cetaceans (*e.g.*, harbor porpoise and killer whales, respectively) have been observed within the Level A harassment zone, but only one animal of each species was documented as take (Level B harassment) during the 2015-2016 LOA, significantly below the maximum number of takes authorized per year (40 and 315, respectively). There were no observed takes of harbor porpoises or killer whales in the 2014-2015 LOA or the 2013-2014 LOA.

Pinnipeds are more likely to be present in the construction area and to approach more closely. However, California sea lions (the pinniped species with the most documented takes), rested on the mooring buoys during construction and throughout the entire monitoring period on most days. These mooring buoys are well outside the SDOT's Level A harassment zones (under NMFS' then-current thresholds) for all pinnipeds and occur approximately two miles from these zones. The total number of potentially harassed marine mammals was well below the authorized limits, with the exception of the California sea lion in the 2014-2015 LOA (Year 2 LOA). The reported take for California sea lions for the Year 2 LOA by Level B harassment only, exceeded the annually authorized level, and slightly exceeded the authorized level in the Year 1 LOA, but not in the 2015-2016 LOA (Year 3 LOA). Please see the monitoring reports at <http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm> for more detail. The exceeded take in the Year 2 LOA resulted in part because of an error in our assumptions relating to the proposed take estimates in the rule, *i.e.*, the number of California sea lions regularly hauling out on buoys in Elliot Bay.

Analysis

Based on our review of monitoring to date, we revised take estimates by assuming an estimated daily exposure of up to seven California sea lions (as compared with five assumed in regulations).