

subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope Comments
- V. Respondent Selection
- VI. Injury Test
- VII. Use of Facts Otherwise Available and Adverse Inferences
- VIII. Calculation of the All-Others Rate
- IX. Conclusion

[FR Doc. 2017-17112 Filed 8-11-17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XF604

#### Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

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

**ACTION:** Notice of public meeting.

**SUMMARY:** NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on September 12, 2017.

**DATES:** The meeting of the PAC will be held via conference call on September 12, 2017, from 11 a.m. to 1 p.m. HST (or until business is concluded). Members of the public may submit written comments; comments must be received by September 7, 2017.

**ADDRESSES:** The public meeting will be conducted via conference call. For details on how to call in to the conference line or to submit comments, please contact Emily Crigler, NMFS Pacific Islands Regional Office; telephone: 808-725-5036; email: [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov). Documents to be considered by the PAC will be sent out via email in advance of the conference call. Please submit contact information to Emily Crigler (telephone:

808-725-5036; email: [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov)) at least 3 days in advance of the call to receive documents via email.

#### FOR FURTHER INFORMATION CONTACT:

Emily Crigler, NMFS Pacific Islands Regional Office; 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone: 808-725-5036; facsimile: 808-725-5215; email: [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

In accordance with the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), the Permanent Advisory Committee, or PAC, has been formed to advise the U.S. Commissioners to the WCPFC. Members of the PAC have been appointed by the Secretary of Commerce in consultation with the U.S. Commissioners to the WCPFC. The PAC supports the work of the U.S. National Section to the WCPFC in an advisory capacity. The U.S. National Section is made up of the U.S. Commissioners and the Department of State. NMFS Pacific Islands Regional Office provides administrative and technical support to the PAC in cooperation with the Department of State. More information on the WCPFC, established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, can be found on the WCPFC Web site: <http://wcpfc.int/>.

#### Meeting Topics

The purpose of the September 12, 2017, conference call is to discuss outcomes of: The 2017 regular session of the WCPFC Scientific Committee (SC13), the 2017 regular session of the WCPFC Northern Committee (NC13), and the Intersessional Meeting to progress the draft Bridging CMM on Tropical Tuna. There will also be a discussion on topics relevant to the subsequent regular session of the Technical and Compliance Committee (TCC13).

#### Special Accommodations

The conference call is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Emily Crigler at 808-725-5036 at least ten working days prior to the meeting.

**Authority:** 16 U.S.C. 6902 *et seq.*

Dated: August 9, 2017.

**Emily H. Menashes,**

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

[FR Doc. 2017-17121 Filed 8-11-17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XF431

#### Endangered Species; File No. 21516

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

**ACTION:** Notice of availability; request for public comments.

**SUMMARY:** We, NMFS, have received an application from Virginia Electric and Power Company, D.B.A. Dominion Virginia Power (Dominion) for an incidental take permit, pursuant to the Endangered Species Act (ESA) of 1973, as amended, for activities associated with the otherwise lawful continued operation and maintenance of the Dominion Chesterfield Power Station (CPS) in Chesterfield, VA. We are considering issuing a 10-year permit to the applicant that would authorize take of ESA-listed Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) from the Chesapeake Bay Distinct Population Segment (DPS) incidental to otherwise lawful activities associated with the withdrawal of cooling water from the James River and entrainment and impingement sampling required by the Clean Water Act. Pursuant to the ESA and the National Environmental Policy Act (NEPA), we announce the availability of Dominion's ITP application and draft habitat conservation plan (HCP), as well as our draft environmental assessment (EA), for public review and comment. We provide this notice to seek comments from the public and Federal, Tribal, State, and local governments.

**DATES:** To allow for timely processing of the permit application, we must receive your comments no later than September 13, 2017.

**ADDRESSES:** The application is available for download and review at [http://www.nmfs.noaa.gov/pr/permits/esa\\_review.htm](http://www.nmfs.noaa.gov/pr/permits/esa_review.htm) under the section heading ESA section 10(a)(1)(B) Permits and Applications and at <http://www.regulations.gov>. The application is also available upon written request or by appointment in the following office: Protected Resources Division, NMFS Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328.

Submit your comments by including NOAA-NMFS-2017-0051, by either of the following methods:

• **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to [www.regulations.gov/docketDetail;D=NOAA-NMFS-2017-0051](http://www.regulations.gov/docketDetail;D=NOAA-NMFS-2017-0051),

2. Click the “Comment Now!” icon, complete the required fields

3. Enter or attach your comments.

• **Mail:** Submit written information to Julie Crocker, NMFS, Greater Atlantic Regional Fisheries Office, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930.

**Instructions:** We may not consider comments if they are sent by any other method, to any other address or individual, or received after the end of the specified period. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.) confidential business information, or otherwise sensitive or protected information submitted voluntarily by the sender is publicly accessible. We will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). We will accept attachments to electronic comments in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats, only.

**FOR FURTHER INFORMATION CONTACT:** Julie Crocker, (978) 282–8480.

**SUPPLEMENTARY INFORMATION:** We received an initial draft application from Dominion in December 2016 and a complete application on April 10, 2017, for an ITP to take federally listed Atlantic sturgeon over a 10-year period. The ITP would authorize take resulting from continued operations of the facility, including impingement and entrainment in the cooling water intake system and collection during studies and sampling required by section 316(b) of the Clean Water Act. A conservation program to minimize and mitigate for the impacts of the incidental take would be implemented by Dominion as described in the draft HCP.

To comply with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) (NEPA), we prepared an EA that describes the proposed action, issuance of an ITP to Dominion, and possible alternatives and analyzes the effects of the proposed action and alternatives on the human environment. We will evaluate whether the EA’s analysis is adequate to support a Finding of No Significant Impact.

### Background

Section 9 of the ESA and Federal regulations prohibit the “take” of

species listed as endangered or threatened. The ESA defines “take” to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. “Incidental take” is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Section 10(a)(2)(A) of the ESA requires an ITP applicant to submit an HCP that specifies the steps the applicant will take to minimize and mitigate the impacts of the taking. Regulations governing ITPs for threatened and endangered species are found at 50 CFR 222.307.

The CPS is a coal-fueled power station in Chesterfield, Virginia in the upper tidal portion, approximately river mile 82 (river kilometer, rkm, 132), of the James River. It has been in operation since 1945. It operates pursuant to a permit issued by the Virginia Department of Environmental Quality under section 402 of the Clean Water Act (the National Pollutant Discharge Elimination System program). CPS has a design intake flow of approximately 1,090 million gallons per day (MGD), at least 25 percent of which is used exclusively for cooling purposes, and is therefore subject to the Clean Water Act section 316(b) existing facility rule (79 FR 48300, August 15, 2014).

Dominion is seeking a permit for the incidental take of Atlantic sturgeon for a term of 10-years. Incidental take may occur as a result of operation of the cooling water intakes and performance of studies required to comply with Clean Water Act 316(b). Additional activities considered, but for which take is not expected include, dredging, constituent discharge, thermal discharge, vessel movements, and shoreline and structure maintenance. The permit application includes Dominion’s consideration of the potential effects to shortnose sturgeon (*Acipenser brevirostrum*). However, Dominion does not anticipate incidental take of shortnose sturgeon because shortnose sturgeon rarely occur in the James River.

Dominion estimates the take of up to 846 Atlantic sturgeon larvae per year from the Chesapeake Bay DPS due to entrainment in the Dominion CPS cooling water intakes. Dominion estimates the take of up to two juvenile, subadult or adult Atlantic sturgeon from the Chesapeake Bay DPS over a ten-year period as a result of impingement at the Dominion CPS intakes.

### Conservation Plan

Section 10(a)(1)(B) of the ESA specifies that no permit may be issued unless an applicant submits an adequate HCP. Dominion’s proposed HCP describes measures designed to minimize, monitor, and mitigate the incidental take of Atlantic sturgeon. Dominion’s proposed HCP includes support for two research initiatives to increase knowledge of Atlantic sturgeon in the James River. The first would build on the existing knowledge of the genetic structure of cohorts spawning in the James River. The second would characterize Atlantic sturgeon spatial and temporal use of the upper tidal portion of the James River. The HCP also includes monitoring of incidental take. Other monitoring and mitigation actions will be undertaken as required.

The proposed action is the issuance of an ITP and implementation of the proposed HCP. Dominion considered two alternatives to the proposed action in its HCP: (1) No change to existing operations, studies and maintenance at CPS, and (2) avoiding and minimizing permitted activities (e.g., modifying water withdrawals; modifying the cooling water intake structure; not conducting or not continuing the planned CWA 316(b) studies; not dredging and/or dredging less frequently; not using barges or vessels for the shipment or delivery of bulk materials; not performing or reducing shoreline and structure maintenance activities at CPS).

### National Environmental Policy Act

In compliance with NEPA, we analyzed the impacts of the proposed issuance of an ITP and implementation of the HCP, and alternatives. Based on this analysis and any new information resulting from public comment, we will determine if there are any significant impacts caused by the proposed action. We have prepared a draft EA on the proposed action and have made it available for public inspection online or in person at the Greater Atlantic Regional Fisheries Office (see Availability of Documents).

This notice is provided pursuant to section 10(c) of the ESA and the National Environmental Policy Act regulations (40 CFR 1506.6). We will evaluate the application, associated documents, and submitted comments received to determine whether the application meets the requirements of section 10 of the ESA (16 U.S.C. 1531 *et seq.*). We will also evaluate whether issuance of a section 10(a)(1)(B) permit would comply with section 7 of the ESA by conducting an intra-Service section 7

consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether to issue a permit. If the requirements are met, we will issue the permit to the applicant.

We will publish a record of our final action in the **Federal Register**.

**Authority:** This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: August 9, 2017.

**Angela Somma,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XF561

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Training and Testing Activities in the Atlantic Fleet Training and Testing Study Area

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the training and testing activities conducted in the Atlantic Fleet Training and Testing (AFTT) Study Area from October 2018 through October 2023. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

**DATES:** Comments and information must be received no later than September 13, 2017.

**ADDRESSES:** Comments on the application should be addressed to Jolie Harrison, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing

email comments is [ITP.Egger@noaa.gov](mailto:ITP.Egger@noaa.gov). NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

**Instructions:** All comments received are a part of the public record and will generally be posted to [www.nmfs.noaa.gov/pr/permits/incidental.htm#applications](http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications) without change. All Personal Identifying Information (for example, name, address, etc.) 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:** Stephanie Egger, Office of Protected Resources, NMFS; phone: (301) 427-8401.

#### SUPPLEMENTARY INFORMATION:

##### Availability

An electronic copy of the Navy's application may be obtained online at: [www.nmfs.noaa.gov/pr/permits/incidental.htm#applications](http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications). The Navy released a draft Environmental Impact Statement (EIS)/Overseas EIS (OEIS) for the on June 30, 2017. A copy of the draft EIS, which would also support NMFS' proposed rulemaking under the MMPA, is available at [www.aftteis.com](http://www.aftteis.com).

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Incidental take authorizations 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 taking are set forth.

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."

With respect to military readiness activities, the MMPA defines "harassment" as any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A Harassment); or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered (Level B Harassment).

#### Summary of Request

On June 16, 2017, NMFS received an application from the Navy requesting authorization to take individuals of 39 marine mammal species by Level A and B (behavioral) harassment incidental to training, testing, and routine military operations (all categorized as military readiness activities) from the use of sonar and other transducers, in-water detonations, air guns, and impact pile driving/vibratory extraction. In addition, the Navy is requesting nine mortalities of four marine mammal species during ship shock trials, and three takes (not to exceed two from any individual stock) by injury or mortality from vessel strikes over the five-year period. One marine mammal species, the North Atlantic right whale (*Eubalaena glacialis*), has designated critical habitat in the AFTT Study Area. The Navy's training and testing activities would occur over five years beginning October 2018. On August 4, 2017, the Navy sent an amendment to its application and Navy's application was considered final and complete.

This will be NMFS' third rule making for AFTT activities under the MMPA. NMFS published the first rule effective from January 22, 2009 through January 22, 2014 on January 27, 2009 (74 FR 4844) and the second rule effective from November 14, 2013 through November 13, 2018 on December 4, 2013 (78 FR 73009). For this third rule making, the Navy is proposing to conduct similar sonar activities in the proposed rulemaking as they have conducted over the past nine years in the previous two rule makings.

#### Description of the Specified Activity

The Navy's training and testing activities to be conducted within the AFTT Study Area (includes areas of the western Atlantic Ocean along the east coast of North America, portions of the Caribbean Sea, and the Gulf of Mexico, covering approximately 2.6 million square nautical miles of ocean area,