

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Withdrawal**

In consideration of the foregoing, the final rule, technical amendment for Docket No. FAA 2017-0054; Airspace Docket No. 17-ANM-2, as published in the **Federal Register** of April 25, 2017, (82 FR 18981) FR Doc. 2017-08243, is hereby withdrawn.

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in Seattle, Washington, on May 22, 2017.

**Sam S.L. Shrimpton,**

*Acting Group Manager, Operations Support Group, Western Service Center.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****15 CFR Part 922**

[Docket Number 160413330-7488-03]

RIN 0648-BF99

**Delay of Discharge Requirements for U.S. Coast Guard Activities in Greater Farallones and Cordell Bank National Marine Sanctuaries**

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Final rule; notice of delay of effectiveness for discharge requirements with regard to U.S. Coast Guard activities.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) expanded the boundaries of Gulf of the Farallones National Marine Sanctuary (now renamed Greater Farallones National Marine Sanctuary or GFNMS) and Cordell Bank National Marine Sanctuary (CBNMS) to an area north and west of their previous boundaries with a final rule published on March 12, 2015. The final rule entered into effect on June 9, 2015. At that time, NOAA postponed the effectiveness of the discharge requirements in both sanctuaries' regulations in the areas adjacent to GFNMS and CBNMS boundaries in 2015 with regard to U.S. Coast Guard activities for six months. Since then, NOAA published three

documents to extend the postponement of the discharge requirements to provide adequate time for completion of an environmental assessment, and subsequent rulemaking, as appropriate. The current extension would end on June 9, 2017. This document extends the postponement of the discharge requirements for these activities for another six months for the same reasons.

**DATES:** The effectiveness for the discharge requirements in both CBNMS and GFNMS expansion areas with regard to U.S. Coast Guard activities is December 9, 2017.

**ADDRESSES:** Copies of documents relating to the expansion, including the Final Environmental Impact Statement (FEIS), final management plans, and the final rule published on March 12, 2015, can be viewed or downloaded at [http://farallones.noaa.gov/manage/expansion\\_cbgf.html](http://farallones.noaa.gov/manage/expansion_cbgf.html).

**FOR FURTHER INFORMATION CONTACT:**

Maria Brown, Greater Farallones National Marine Sanctuary Superintendent, at [Maria.Brown@noaa.gov](mailto:Maria.Brown@noaa.gov) or 415-561-6622.

**SUPPLEMENTARY INFORMATION:****I. Background**

On March 12, 2015, NOAA expanded the boundaries of Gulf of the Farallones National Marine Sanctuary (now renamed Greater Farallones National Marine Sanctuary or GFNMS) and Cordell Bank National Marine Sanctuary (CBNMS) to an area north and west of their previous boundaries with a final rule (80 FR 13078). The final rule entered into effect on June 9, 2015 (80 FR 34047). In the course of the rulemaking to expand GFNMS and CBNMS, NOAA learned from U.S. Coast Guard (USCG) that the discharge regulations had the potential to impair the operations of USCG vessels and aircraft conducting law enforcement and on-water training exercises in GFNMS and CBNMS expansion areas. The USCG supports national marine sanctuary management by providing routine surveillance and dedicated law enforcement of the National Marine Sanctuaries Act (NMSA) and sanctuary regulations. To ensure that the March 12, 2015, rule did not undermine USCG's ability to perform its duties, at that time, NOAA postponed the effectiveness of the discharge requirements in both sanctuaries' regulations with regard to USCG activities in the expansion areas for six months. Three additional six-month postponements of the effectiveness of the discharge requirements were published in the **Federal Register** on

December 1, 2015 (80 FR 74985), May 31, 2016 (81 FR 34268), and December 6, 2016 (81 FR 87803), to provide adequate time for completion of an environmental assessment and to determine NOAA's next steps. Without further NOAA action, the discharge regulations would become effective with regard to USCG activities on June 9, 2017. However, NOAA needs more time to develop alternatives for an environmental assessment developed pursuant to the requirements of the National Environmental Policy Act. Therefore, this document postpones the effectiveness of the discharge requirements in the expansion areas of both sanctuaries with regard to USCG activities for another six months, until December 9, 2017. During this time, NOAA will continue to consider how to address USCG's concerns and, among other things, whether to exempt certain USCG activities in sanctuary regulations. The public, other federal agencies, and interested stakeholders will be given an opportunity to comment on various alternatives that are being considered. This will include the opportunity to review any proposed rule and related environmental analysis.

**II. Classification****A. National Environmental Policy Act**

NOAA previously conducted an environmental analysis under the National Environmental Policy Act (NEPA) as part of the rulemaking process leading to the expansion of CBNMS and GFNMS, which addressed regulations regarding the discharge of any matter or material in the sanctuaries. Potential environmental impacts of the decision to postpone effectiveness are sufficiently encompassed within the impacts analysis of the environmental baseline and the no action alternative presented in that analysis. Should NOAA decide to amend the regulations governing discharges for USGS activities in CBNMS and GFNMS, any additional environmental analysis required under NEPA would be prepared and released for public comment.

**B. Executive Order 12866: Regulatory Impact**

This action has been determined to be not significant for purposes of the meaning of Executive Order 12866.

**C. Administrative Procedure Act**

The Assistant Administrator of National Ocean Service (NOS) finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive the notice and comment requirements of the

Administrative Procedure Act (APA) because this action is administrative in nature. This action postpones the effectiveness of the discharge requirements in the regulations for CBNMS and GFNMS in the areas added to the sanctuaries' boundaries in 2015 (subject to notice and comment review) with regard to USCG activities for six months to provide adequate time for public scoping, completion of an environmental assessment, and subsequent rulemaking, as appropriate. Should NOAA decide to amend the regulations governing discharges in CBNMS and GFNMS, it would publish a proposed rule followed by an appropriate public comment period as required by the APA. The substance of the underlying regulations remains unchanged. Therefore, providing notice and opportunity for public comment under the APA would serve no useful purpose. The delay in effectiveness provided by this action will also enable NOAA to fully implement its statutory responsibilities under the NMSA to protect resources of a national marine sanctuary. For the reasons above, the Assistant Administrator also finds good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness and make this action effective immediately upon publication.

**Authority:** 16 U.S.C. 1431 *et seq.*

Dated: May 30, 2017.

**W. Russell Callender,**

*Assistant Administrator for Ocean Services and Coastal Management.*

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

## DEPARTMENT OF THE TREASURY

### 19 CFR Part 12

[CBP Dec. 17-03]

RIN 1515-AE29

### Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials From Peru

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the U.S. Customs and Border Protection (CBP) regulations to reflect the extension of import restrictions on

certain archaeological and ethnological materials from Peru. The restrictions, which were originally imposed by Treasury Decision (T.D.) 97-50 and last extended by CBP Dec. 12-11, are due to expire on June 9, 2017, unless extended. The Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has determined that conditions continue to warrant the imposition of import restrictions. The Designated List of archaeological and ethnological materials described in T.D. 97-50 is revised in this document to reflect the addition of Colonial period documents and manuscripts. Accordingly, the restrictions will remain in effect for an additional 5 years, and the CBP regulations are being amended to indicate this fourth extension. These restrictions are being extended pursuant to determinations of the United States Department of State made under the terms of the Convention on Cultural Property Implementation Act, which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

**DATES:** *Effective Date:* June 9, 2017.

**FOR FURTHER INFORMATION CONTACT:** For legal aspects, Lisa L. Burley, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325-0215, [lisa.burley@cbp.dhs.gov](mailto:lisa.burley@cbp.dhs.gov). For operational aspects, William R. Scopa, Branch Chief, Partner Government Agency Branch, Trade Policy and Programs, Office of Trade, (202) 863-6554, [william.r.scopa@cbp.dhs.gov](mailto:william.r.scopa@cbp.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Pursuant to the provisions of the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention, in U.S. law, the United States entered into a bilateral agreement with the Republic of Peru on June 9, 1997, concerning the imposition of import restrictions on archaeological material from the Pre-Hispanic cultures and certain ethnological material from the Colonial period of Peru (“the Memorandum of Understanding between the United States and the Republic of Peru”). On June 11, 1997, the former United States Customs Service published T.D. 97-50 in the **Federal Register** (62 FR 31713), which amended 19 CFR 12.104g(a) to reflect

the imposition of these restrictions, and included a list designating the types of archaeological and ethnological materials covered by the restrictions. These restrictions continued the protection of archaeological materials from the Sipán Archaeological Region forming part of the remains of the Moche culture that were first subject to emergency import restriction on May 7, 1990 (T.D. 90-37).

Import restrictions listed in 19 CFR 12.104g(a) are “effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States. This period may be extended for additional periods no more than five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists” (19 CFR 12.104g(a)).

On June 6, 2002, the former United States Customs Service published T.D. 02-30 in the **Federal Register** (67 FR 38877), which amended 19 CFR 12.104g(a) to reflect the extension of these import restrictions for an additional period of five years until June 9, 2007.

On June 6, 2007, U.S. Customs and Border Protection (CBP), published CBP Dec. 07-27 in the **Federal Register** (72 FR 31176), which amended 19 CFR 12.104g(a) to reflect the extension of these import restrictions for an additional period of five years until June 9, 2012.

On June 7, 2012, CBP published CBP Dec. 12-11 in the **Federal Register** (77 FR 33624), which amended 19 CFR 12.104g(a) to reflect the extension of these import restrictions for an additional period of five years until June 9, 2017.

On January 11, 2017, after reviewing the findings and recommendations of the Cultural Property Advisory Committee, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, concluding that the cultural heritage of Peru continues to be in jeopardy from pillage of archaeological and certain ethnological materials, made the necessary statutory determinations and decided to extend the import restrictions for an additional five-year period. Diplomatic notes have been exchanged reflecting the extension of those restrictions for an additional five-year period and amendment of their coverage to include Colonial manuscripts and documents. CBP is amending 19 CFR 12.104g(a) accordingly.