

all affected marine mammal species or stocks.

**Small Numbers**

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an

authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Table 6 details the number of instances (harbor seals) or individuals (California sea lions and bottlenose dolphins) that animals could be exposed to received noise levels that could cause Level B harassment for the construction work at the project site relative to the total stock abundance. The numbers of animals authorized to be taken for all species will be considered small relative

to the relevant stocks or populations even if each estimated instance of take occurred to a new individual. The total percent of the population (if each instance was a separate individual) for which take is requested is less than nine percent for all stocks (Table 6). Based on the analysis contained herein of the construction activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

TABLE 6—ESTIMATED NUMBERS AND PERCENTAGE OF STOCK THAT MAY BE EXPOSED TO LEVEL B HARASSMENT

Species	Authorized Level B takes	Stock(s) abundance estimate <sup>1</sup>	Percentage of total stock (percent)
Harbor Seal ( <i>Phoca vitulina</i> ) California stock .....	125	30,968	.40
California sea lion ( <i>Eumatopias jubatus</i> ) U.S. Stock .....	38	296,750	.013
Bottlenose dolphin ( <i>Tursiops truncatus</i> ) .....	40	1,924	2.1
California-Oregon-Washington Stock California Coastal Stock .....		453	8.83

<sup>1</sup> All stock abundance estimates presented here are from the 2016 Pacific Stock Assessment Report.

**Unmitigable Adverse Impact Analysis and Determination**

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

**Endangered Species Act (ESA)**

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

**Authorization**

NMFS has issued an IHA to Venoco LLC for the potential harassment of small numbers of three marine mammal species incidental to the Casitas Pier fender pile replacement project in Carpinteria, CA, provided the previously mentioned mitigation,

monitoring and reporting requirements are incorporated.

Dated: November 16, 2017.

**Catherine Marzin,**

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

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**BILLING CODE 3510-22-P**

**COMMODITY FUTURES TRADING COMMISSION**

**Agency Information Collection Activities: Copies of Crop and Market Information Reports**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (“Commission” or “CFTC”) is announcing an opportunity for public comment on the extension of a proposed collection of certain information by the agency. In compliance with the Paperwork Reduction Act of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments, as described below, on the proposed Information Collection

Request (“ICR”) titled: Copies of Crop and Market Information Reports.

**DATES:** Comments must be submitted on or before January 22, 2018.

**ADDRESSES:** You may submit comments, identified by OMB Control No. 3038-0015 by any of the following methods:

- The Agency’s Web site, at <http://comments.cftc.gov/>. Follow the instructions for submitting comments through the Web site.

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

- *Hand delivery/Courier:* Same as Mail above.

- *Federal eRulemaking Portal:* <http://www.regulations.gov/>. Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

**FOR FURTHER INFORMATION CONTACT:** Adam Charnisky, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 525 West Monroe, Chicago IL, 60661; (312) 596-0630; FAX: (312) 596-0711; email: [acharnisky@cftc.gov](mailto:acharnisky@cftc.gov); and refer to OMB Control No. 3038-0015.

**SUPPLEMENTARY INFORMATION:** Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of Information” is defined

in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

**Title:** "Copies of Crop and Market Information Reports," OMB Control No. 3038-0015. This is a request for extension of a currently approved information collection.

**Affected Entities:** Entities potentially affected by this action include future commission merchants ("FCMs") and members of contract markets.

**Abstract:** The information collected pursuant to this rule, 17 CFR 1.40, is in the public interest and is necessary for market surveillance. Manipulation of commodity futures prices is a violation of the Commodity Exchange Act (Act). Section 9(a)(2) of the Act (7 U.S.C. 13(a)(2)) prohibits the dissemination of false or misleading or knowingly inaccurate reports that affect or tend to affect the prices of commodities. In order to facilitate the enforcement of this provision, Commission regulation 1.40 requires that members of an exchange and FCMs provide upon request copies of any report published or given general circulation which concerns crop or market information that affects or tends to affect the price of any commodity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981).

The Commission would like to solicit comments to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, usefulness, and clarity of the information to be collected; and

- Minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse, or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**Burden statement:** The respondent burden for this collection is estimated to average 0.17 hours per response.

- **Respondents/Affected Entities:** 15.
- **Estimated Number of Responses:** 15.
- **Estimated Total Annual Burden on Respondents:** 2.5 hours.
- **Frequency of Collection:** On occasion.

**Authority:** 44 U.S.C. 3501 *et seq.*

Dated: November 17, 2017.

**Robert N. Sidman,**

*Deputy Secretary of the Commission.*

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**BILLING CODE 6351-01-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Notice of Intent To Renew Collection 3038-0026, Gross Collection of Exchange-Set Margins for Omnibus Accounts

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on requirements relating to Gross Collection of Exchange-Set Margins for Omnibus Accounts.

**DATES:** Comments must be submitted on or before January 22, 2018.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 3038-0026, by any of the following methods:

- The Agency's Web site, at <http://comments.cftc.gov/>. Follow the instructions for submitting comments through the Web site.

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

- **Federal eRulemaking Portal:** <http://www.regulations.gov/>. Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

**FOR FURTHER INFORMATION CONTACT:** Mark Bretscher, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, (312) 596-0529; email: [mbretscher@cftc.gov](mailto:mbretscher@cftc.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA,<sup>1</sup> Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information,

<sup>1</sup> 17 CFR 145.9.

<sup>1</sup> 44 U.S.C. 3501 *et seq.*