

exchanges and FINRA are proposing this proposed fee schedule to implement the requirements of the CAT NMS Plan. Therefore, this is not a competitive fee filing and, therefore, it does not raise competition issues between and among the exchanges and FINRA.

Moreover, as previously described, GEMX believes that the proposed rule change fairly and equitably allocates costs among CAT Reporters. In particular, the proposed fee schedule is structured to impose comparable fees on similarly situated CAT Reporters, and lessen the impact on smaller CAT Reporters. CAT Reporters with similar levels of CAT activity will pay similar fees. For example, Industry Members (other than Execution Venue ATSS) with higher levels of message traffic will pay higher fees, and those with lower levels of message traffic will pay lower fees. Similarly, Execution Venue ATSS and other Execution Venues with larger market share will pay higher fees, and those with lower levels of market share will pay lower fees. Therefore, given that there is generally a relationship between message traffic and market share to the CAT Reporter's size, smaller CAT Reporters generally pay less than larger CAT Reporters. Accordingly, the Exchange does not believe that the CAT Fees would have a disproportionate effect on smaller or larger CAT Reporters. In addition, ATSS and exchanges will pay the same fees based on market share. Therefore, GEMX does not believe that the fees will impose any burden on the competition between ATSS and exchanges. Accordingly, GEMX believes that the proposed fees will minimize the potential for adverse effects on competition between CAT Reporters in the market.

Furthermore, the tiered, fixed fee funding model limits the disincentives to providing liquidity to the market. Therefore, the proposed fees are structured to limit burdens on competitive quoting and other liquidity provision in the market.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>57</sup> At any time

within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-GEMX-2017-17 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-GEMX-2017-17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal

identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-GEMX-2017-17, and should be submitted on or before June 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>58</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-10581 Filed 5-23-17; 8:45 am]

**BILLING CODE 8011-01-P**

## **DEPARTMENT OF STATE**

**[Public Notice: 10003]**

### **Notification of the Next Cafta-Dr Environmental Affairs Council Meeting**

**AGENCY:** Department of State.

**ACTION:** Notice of the CAFTA-DR Environmental Affairs Council meeting and request for comments.

**SUMMARY:** The Department of State and the Office of the United States Trade Representative are providing notice that the parties to the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) intend to hold the eleventh meeting of the Environmental Affairs Council (the Council) established under Chapter 17 (Environment) of that agreement in San José, Costa Rica, on June 21 and 22, 2017.

**DATES:** The public session of the Council will be held on June 22, 2017, from 10:00 a.m.–1:00 p.m. at the Costa Rica Marriott Hotel in San José, Costa Rica. We request comments and suggestions in writing no later than June 8, 2017.

**ADDRESSES:** Written comments or suggestions should be submitted to both:

(1) Neal Morris, U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Environmental Quality and Transboundary Issues by email to [MorrisND@state.gov](mailto:MorrisND@state.gov) with the subject line "CAFTA-DR EAC Meeting" or by fax to (202) 647-5947; and

(2) Laura Buffo, Director for Environment and Natural Resources, Office of the United States Trade Representative by email to [Laura\\_Buffo@ustr.eop.gov](mailto:Laura_Buffo@ustr.eop.gov) with the subject line "CAFTA-DR EAC Meeting" or by fax to (202) 395-9517.

<sup>58</sup> 17 CFR 200.30-3(a)(12).

<sup>57</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

If you have access to the Internet you can view and comment on this notice by going to: <http://www.regulations.gov/#/home> and searching for docket number DOS-2017-0025.

**FOR FURTHER INFORMATION CONTACT:** Neal Morris, (202) 647-9312, or Laura Buffo, (202) 395-9424

**SUPPLEMENTARY INFORMATION:** Article 17.5 of the CAFTA-DR establishes an Environmental Affairs Council (the Council) and, unless the CAFTA-DR parties otherwise agree, requires it to meet annually to oversee the implementation of, and review progress under, Chapter 17. Article 17.5 further requires, unless the parties otherwise agree, that each meeting of the Council includes a session in which members of the Council have an opportunity to meet with the public to discuss matters relating to the implementation of Chapter 17.

On June 21, the Council will meet in a government-to-government session to (1) review any challenges parties are facing in meeting their environment chapter obligations, (2) highlight environmental achievements in the past year and share related lessons learned and best practices; (3) review ongoing work under the environmental cooperation program; and (4) hear a report from the CAFTA-DR Secretariat for Environmental Matters on the status of the public submissions process.

On June 22, the Council invites all interested persons to attend a public session about Chapter 17 implementation, beginning at 10:00 a.m. at the Costa Rica Marriott Hotel. At the session, the Council will welcome questions, input, and information about challenges and achievements in implementation of the Chapter and the related Environmental Cooperation Agreement (ECA). Environmental Cooperation Program implementers also will be on site to answer questions and provide more information about their particular projects and programs. If you would like to attend the public session, please notify Neal Morris and Laura Buffo at the email addresses listed under the heading **ADDRESSES**. Please include your full name and identify any organization or group you represent. The Department of State and Office of the United States Trade Representative also invite written comments or suggestions to be submitted before June 8, 2017, regarding topics to be discussed at the Council meeting. In preparing comments, we encourage submitters to refer to Chapter 17 of the CAFTA-DR and the CAFTA-DR Environmental Cooperation Agreement (*documents available at [\*eqt/trade/caftadr/index.htm and <https://ustr.gov/issue-areas/environment/bilateral-and-regional-trade-agreements>\*\). Instructions on how to submit comments are under the heading \*\*ADDRESSES\*\*.](http://www.state.gov/e/oes/</a></i></p>
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In preparing comments, we encourage submitters to refer to:

- Chapter 17 of the CAFTA-DR and
- The ECA

These documents are available at: <http://www.state.gov/e/oes/eqt/trade/caftadr/index.htm> and <https://ustr.gov/issue-areas/environment/bilateral-and-regional-trade-agreements>. Visit <http://www.state.gov> and the USTR Web site at [www.ustr.gov](http://www.ustr.gov) for more information.

Dated: May 18, 2017.

**Barton Putney,**

*Director, Office of Environmental Quality and Transboundary Issues, Department of State.*

[FR Doc. 2017-10659 Filed 5-23-17; 8:45 am]

**BILLING CODE 4710-09-P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36118]

### **Ellis & Eastern Company—Acquisition and Operation Exemption—E&ER Company**

Ellis & Eastern Company (Ellis), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from E&ER Company (E&ER) and operate approximately 7.6 miles of rail line, between approximately milepost 41.4, near Manley, Minn., and milepost 49.0, in or near Brandon, S.D., in Rock County, Minn., and Minnehaha County, S.D. (the Line).<sup>1</sup> According to Ellis, the Line is in poor repair and in need of rehabilitation, and has not been operated over since at least 1994, when E&ER acquired the Line.

According to Ellis, it has reached an agreement with E&ER to acquire the trackage, right-of-way, and real property interests of the line owned by E&ER. Ellis also states that the proposed transaction does not involve any provision that may limit future interchange of traffic with any third-party carrier.

Ellis certifies that the projected annual revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier and will not exceed \$5 million.

<sup>1</sup> This transaction is related to a concurrently filed verified notice of exemption in *Ellis & Eastern Co.—Operation Exemption—Buffalo Ridge Regional Railroad Authority*, Docket No. FD 36119, wherein Ellis seeks to lease and operate approximately 41.44 miles of Buffalo Ridge Regional Railroad's rail line between approximately milepost 0.0 at Agate, Minn., and milepost 41.44 near Manley, Minn.

The transaction may be consummated on June 7, 2017, the effective date of the exemption (30 days after the exemption was filed).

According to Ellis, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic review under 49 CFR 1105.8(b).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Petitions for stay must be filed no later than May 31, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36118, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on John E. Taylor, Taylor Law Firm, LLC, 4820 East 57th St., Suite B, Sioux Falls, SD 57108.

Board decisions and notices are available on our Web site at [WWW.STB.GOV](http://WWW.STB.GOV).

Decided: May 19, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2017-10653 Filed 5-23-17; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36119]

### **Ellis & Eastern Company—Operation Exemption—Buffalo Ridge Regional Railroad Authority**

Ellis & Eastern Company (Ellis), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate approximately 41.44 miles of rail line from Buffalo Ridge Regional Railroad Authority (BRRRA). The rail line extends from approximately milepost 0.0, at the intersection with the main line of Union Pacific Railroad Company, at Agate, Minn., and milepost 41.44, at the intersection with the center line of the main track of BNSF Railway Company, near Manley, Minn., in Nobles and Rock Counties, Minn. (the Line).<sup>1</sup>

<sup>1</sup> This transaction is related to a concurrently filed verified notice of exemption in *Ellis & Eastern Co.—Acquisition & Operation Exemption—E & ER Co.*, Docket No. FD 36118, wherein Ellis seeks to