

company, filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to control Florida East Coast Railway, L.L.C. (FECR), a Class II rail carrier operating in the state of Florida, and Texas Pacifico Transportation, Ltd. (Pacífico), a Class III rail carrier operating in the state of Texas, upon the merger of GMXT Florida Merger Sub, Inc., a non-carrier subsidiary of GMéxico Transportes, with and into Florida East Coast Holdings Corp., a non-carrier currently controlling FECR. On April 28, 2017, GMéxico Transportes filed an amendment to its verified notice of exemption to identify and encompass its parent company, Grupo México, S.A.B. de C.V. (Grupo México), also a non-carrier holding company, and to identify Copper Basin Railway, Inc. (Copper Basin), a Class III rail carrier operating in the state of Arizona, as an additional carrier which Grupo México controls.

Notice of the exemption was served on May 9, 2017, and published in the **Federal Register** on May 12, 2017. (82 FR 22,181). On May 11, 2017, GMéxico Transportes filed a letter requesting that the Board correct the statement on page one of the notice that "Control of [FECR, Pacífico, and Copper Basin] by Grupo México and GMéxico Transportes will be effected upon the merger" to clarify that GMéxico Transportes will not obtain control of Copper Basin as a result of the transaction. By this notice, that statement is corrected to read as follows: "Control of FECR, Pacífico, and Copper Basin by Grupo México, including control of Pacífico and FECR by GMéxico Transportes, as a subsidiary of Grupo México, will be effected upon the merger described in the notice." All other information in the notice remains unchanged.

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

Decided: May 22, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Kenyatta Clay,**  
Clearance Clerk.

[FR Doc. 2017-10718 Filed 5-24-17; 8:45 am]

**BILLING CODE 4915-01-P**

## TENNESSEE VALLEY AUTHORITY

### Meeting of the Regional Resource Stewardship Council

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Notice of meeting.

**SUMMARY:** The TVA Regional Resource Stewardship Council (RRSC) will hold a meeting on Tuesday, June 6 and Wednesday, June 7, 2017, to consider various matters.

The RRSC was established to advise TVA on its natural resource stewardship activities. Notice of this meeting is given under the Federal Advisory Committee Act (FACA).

**DATES:** The public meeting will be held on Tuesday, June 6, 2017, from 8:30 a.m. to 11:45 a.m., EDT, and Wednesday, June 7, 2017, from 8:30 a.m. to 11:30 a.m., EDT.

**ADDRESSES:** The meeting will be held at 400 West Summit Hill Drive, Knoxville, Tennessee 37902, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

**FOR FURTHER INFORMATION CONTACT:** Barbie Perdue, 400 West Summit Hill Drive, WT-9 D, Knoxville, Tennessee 37902, (865) 632-6113.

**SUPPLEMENTARY INFORMATION:** The meeting agenda includes the following:

1. Introductions
2. Updates on Natural Resources and River Management Issues
3. Presentations regarding the economic benefits of TVA's management of Public Land and Waters
4. Public Comments
5. Council Discussion and Advice

The RRSC will hear opinions and views of citizens by providing a public comment session starting at 9:00 a.m. EDT, lasting up to one hour, on Wednesday, June 7, 2017, TVA will provide time limits for public comment once registered. Persons wishing to speak are requested to register at the door between 7:45 a.m. and 8:45 a.m., EDT, on Wednesday, June 7, 2017, and will be called on during the public comment period. Handout materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT-9 D, Knoxville, Tennessee 37902.

Dated: May 12, 2017.

**Joseph J. Hoagland,**  
Vice President, Enterprise Relations and Innovation, Tennessee Valley Authority.

[FR Doc. 2017-10416 Filed 5-24-17; 8:45 am]

**BILLING CODE 8120-08-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2017-26]

#### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before June 14, 2017.

**ADDRESSES:** You may send comments identified by docket number FAA-2017-0269 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments digitally.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

*Docket:* To read background documents or comments received, go to

<http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Lynette Mitterer, ANM-113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057-3356, email [Lynette.Mitterer@faa.gov](mailto:Lynette.Mitterer@faa.gov), phone (425) 227-1047.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on April 13, 2017.

**Victor Wicklund,**

Manager, Transport Standards Staff.

**Petition for Exemption**

*Docket No.:* FAA-2017-0269.

*Petitioner:* Gulfstream.

*Section of 14 CFR Affected:*

§ 25.981(a)(3).

*Description of Relief Sought:* Allow a simpler lightning protection design that is less susceptible to inadvertent failure conditions that could result in ignition sources.

[FR Doc. 2017-10692 Filed 5-24-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2015-0040; Notice 2]

**BMW of North America, LLC, Denial of Petition for Decision of Inconsequential Noncompliance**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Denial of petition.

**SUMMARY:** BMW of North America, LLC, (BMW) a subsidiary of BMW AG in Munich, Germany, has determined that certain model year (MY) 2013 BMW 5 Series sedan passenger cars do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices and Associated Equipment*. BMW filed a noncompliance report dated March 26, 2015. BMW also petitioned NHTSA on April 17, 2015, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

**ADDRESSES:** For further information on this decision contact Mike Cole, Office of Vehicle Safety Compliance, the National Highway Traffic Safety

Administration (NHTSA), telephone (202) 366-5319, facsimile (202) 366-3081.

**SUPPLEMENTARY INFORMATION:**

**I. Overview**

BMW of North America, LLC, (BMW) a subsidiary of BMW AG in Munich, Germany, has determined that certain model year (MY) 2013 BMW 5 Series sedan passenger cars do not fully comply with paragraph S8.1.11 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices and Associated Equipment*. BMW filed a noncompliance report dated March 26, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BMW also petitioned NHTSA on April 17, 2015, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published with a 30-day public comment period, on June 11, 2015, in the **Federal Register** (80 FR 33332). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2015-0040."

**II. Vehicles Involved**

Affected are approximately 13,899 MY 2013 BMW 5 Series sedan passenger cars manufactured between January 30, 2013 and June 28, 2013.

**III. Noncompliance**

BMW explains the noncompliance as a failure of some of the rear reflex reflectors on the affected vehicles to fully conform to the minimum photometric performance required by paragraph S8.1.11 of FMVSS No. 108.

**IV. Rule Text**

Paragraph S8.1.11 of FMVSS No. 108 requires in pertinent part:

S8.1.11 *Photometry*. Each reflex reflector must be designed to conform to the photometry requirements of Table XVI-a when tested according to the procedure of S14.2.3 for the reflex reflector color as specified by this section.

**V. Summary of BMW's Analyses**

BMW used Ricco's Law to determine a minimum required reflection

coefficient in its analysis. BMW chose Ricco's Law because they believe it best corresponds to the human physiological condition in which a light source of a given size and intensity is minimally capable (*i.e.*, illumination threshold) of producing visual perception.

As such, BMW created a graph whereby the y-axis represented the reflection coefficient in units consistent with FMVSS No. 108 and the x-axis represented the distance between two vehicles in order to simulate the condition of an approaching vehicle and a parked or stopped vehicle.

BMW provided the graph to illustrate that even with parameters representing a "worst-case scenario," sufficient visibility of the rear reflex reflectors of the affected vehicles exists.

BMW stated that it has not received any contacts from vehicle owners or other road users regarding issues related to the subject noncompliance and is also not aware of any accidents or injuries that have occurred as a result of this issue.

BMW has additionally informed NHTSA that it has corrected the noncompliance so that subsequent vehicle production will conform to paragraph 8.1.11 of FMVSS No. 108.

In summation, BMW believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt BMW from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

**NHTSA's Decision**

*NHTSA's Analysis:* Reflex reflectors make a vehicle conspicuous to drivers of other vehicles at night and at other times when there is reduced ambient light including dawn and dusk. The advance warning provided by the rear reflex reflectors has the potential to enable drivers to avoid a collision when approaching from the rear.

In reviewing BMW's technical arguments, BMW claims that 2.5 mcd/lux is sufficient "visibility" for reflex reflectors. BMW bases this claim on an equation known as Ricco's law, and provided a link to a University of Calgary Web page (<http://ucalgary.ca/pip369/mod3/brightness/threelaws>) that provides a very limited description of this science. When compared to the FMVSS No. 108 required minimum performance of 420, 280, and 140 mcd/lux at certain test points and observation angles, the value that BMW claims is sufficient, 2.5 mcd/lux, represents only 0.5%, 0.8%, and 1.7%