

petition for review of the Approval Order in the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”), challenging the Commission’s Approval Order as inconsistent with the Exchange Act and lacking in the reasoned decisionmaking required by the Administrative Procedure Act.

The D.C. Circuit concluded that the Approval Order did not “represent the kind of reasoned decisionmaking required by either the Exchange Act or the Administrative Procedure Act,” and therefore remanded the case to the Commission for further proceedings.<sup>3</sup> In so ruling, the court did not reach the merits of any of petitioners’ arguments that the Plan was inconsistent with the substantive requirements of the Exchange Act.<sup>4</sup>

The court specifically decided not to vacate the Approval Order prior to remand, instead leaving the Plan in place and remanding “to give the SEC an opportunity to properly evaluate the Plan.”<sup>5</sup> The D.C. Circuit’s mandate, which issued on August 18, 2017, returned the matter to the Commission for further proceedings.

Accordingly, to facilitate the Commission’s further review of the Plan, *It is Ordered*, that by October 14, 2017, OCC may file any additional statements or information that it considers relevant to the Commission’s reconsideration, including but not limited to information OCC’s board of directors considered in approving the Plan.

Furthermore, the Commission is providing other parties and persons thirty days to respond to any additional statements OCC may submit.

Accordingly, *It is Ordered*, that by November 13, 2017, any party or other person may file any additional statement, which may include statements previously submitted or otherwise available, or any new information such party or other person considers relevant.

All submissions should refer to File Number SR–OCC–2015–02. The Commission will post submissions on the Commission’s Internet Web site as they are received. Submissions received will be posted without change; the Commission does not edit personal identifying information from submissions. If a party or person wishes to submit information for the Commission to consider that is confidential, Rule 83 of the Commission Rules of Practice provides a procedure

by which persons submitting information may request that it be withheld when requested under the Freedom of Information Act.<sup>6</sup> Any party or person seeking to submit information in this matter should make sure that their request complies with procedures specified by Rule 83. An explanation of the rule is available on the Commission’s Web site at: <https://www.sec.gov/foia/conf/treat.htm>.

By the Commission.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2017–20081 Filed 9–20–17; 8:45 am]

**BILLING CODE 8011–01–P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. EP 290 (Sub-No. 5) (2017–4)]

### **Quarterly Rail Cost Adjustment Factor**

**AGENCY:** Surface Transportation Board.

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board approves the fourth quarter 2017 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2017 RCAF (Unadjusted) is 0.889. The fourth quarter 2017 RCAF (Adjusted) is 0.367. The fourth quarter 2017 RCAF–5 is 0.350.

**DATES:** *Applicability Date:* October 1, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board’s decision, which is available on our Web site, <http://www.stb.gov>. Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

By the Board, Board Members Begeman, Elliott, and Miller.

Decided: September 18, 2017.

**Marline Simeon,**  
*Clearance Clerk.*

[FR Doc. 2017–20136 Filed 9–20–17; 8:45 am]

**BILLING CODE 4915–01–P**

## **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

[Docket No. USTR–2017–0017]

### **2017 Special 301 Out-of-Cycle Review of Thailand: Request for Comments**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) is conducting a Special 301 Out-of-Cycle Review of Thailand. USTR requests written comments concerning any act, policy, or practice that is relevant to the decision regarding whether and how USTR should identify Thailand based on Thailand’s protection for intellectual property rights or market access Thailand provides to U.S. persons who rely on intellectual property protection.

**DATES:**

*October 20, 2017, at 11:59 p.m.*

*Eastern Time:* Deadline for submission of written comments.

*October 27, 2017, at 11:59 p.m.*

*Eastern Time:* Deadline for submission of written comments from foreign governments.

**ADDRESSES:** You should submit written comments through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments in section III below. For alternatives to on-line submissions, please contact USTR at [Special301@ustr.eop.gov](mailto:Special301@ustr.eop.gov) before transmitting a comment and in advance of the relevant deadline.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Lee, Deputy Assistant U.S. Trade Representative for Innovation and Intellectual Property, at [Special301@ustr.eop.gov](mailto:Special301@ustr.eop.gov) or (202) 395–4510. You can find information about the Special 301 Review at [www.ustr.gov](http://www.ustr.gov).

**SUPPLEMENTARY INFORMATION:**

#### **I. Background**

Pursuant to Section 182 of the Trade Act of 1974 (19 U.S.C. 2242), USTR must identify countries that deny adequate and effective protection for intellectual property rights (IPR) or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. USTR will identify the countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies, or practices have the greatest adverse impact (actual or potential) on relevant U.S. products as Priority Foreign Countries. Acts, policies, or practices that are the basis of a country’s designation as a Priority Foreign Country normally are the

<sup>3</sup> *Susquehanna Int’l Grp., LLP v. SEC*, 866 F.3d 442, 443 (D.C. Cir. 2017).

<sup>4</sup> *Id.* at 446.

<sup>5</sup> *Id.*

<sup>6</sup> 17 CFR 200.83.

subject of an investigation under the Section 301 provisions of the Trade Act (19 U.S.C. 2411 *et seq.*). USTR may not identify a country as a Priority Foreign Country if that country is entering into good faith negotiations or making significant progress in bilateral or multilateral negotiations to provide adequate and effective IPR protection. In addition, USTR has created a "Priority Watch List" and a "Watch List" under the Special 301 provisions. Placement of a trading partner on the Priority Watch List or Watch List indicates that particular problems exist in that country with respect to IPR protection, enforcement, or market access for persons relying on intellectual property. Countries placed on the Priority Watch List are the focus of increased bilateral attention concerning the problem areas.

An Out-of-Cycle Review (OCR) is a tool that USTR uses to encourage progress on IPR issues of concern. It provides an opportunity for heightened engagement with a trading partner to address and remedy such issues. Successful resolution of specific IPR issues of concern or lack of action on such issues can lead to a change in a trading partner's identification on a Special 301 list outside of the typical period for the annual Special 301 Report. USTR may conduct OCRs of other trading partners as circumstances warrant or as requested by the trading partner.

In the 2017 Special 301 Report, USTR placed Thailand on the Priority Watch List but noted that the United States was prepared to review that status if Thailand continued to take positive steps and made substantial progress in addressing the concerns described in the Report. Thailand has requested that USTR conduct an OCR in light of its efforts to achieve substantial progress.

## II. Public Comments

USTR invites written comments concerning any act, policy, or practice that is relevant to the decision regarding whether USTR should identify Thailand under Section 182 of the Trade Act. Submissions may report positive or negative developments with respect to Thailand. USTR requests that interested parties provide specific references to laws, regulations, policy statements, executive, presidential or other orders, administrative, court or other determinations that should factor into the review. USTR also requests that submissions include data, loss estimates, and other information regarding the economic impact on the United States, U.S. industry, and the U.S. workforce caused by the denial of adequate and effective intellectual

property protection. For comments that include quantitative loss claims, you should include the methodology used to calculate the estimated losses. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies, and practices, particularly with respect to issues regarding Thailand identified in the 2017 Special 301 Report.

## III. Submission Instructions

All submissions must be in English and sent electronically via [www.regulations.gov](http://www.regulations.gov). To submit comments, locate the docket (folder) by entering the docket number USTR-2017-0017 in the "SEARCH for: Rules, Comments, Adjudications or Supporting Documents" window at the [www.regulations.gov](http://www.regulations.gov) homepage and clicking "Search." The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and clicking on the link entitled "Comment Now!" You should provide comments in an attached document, and name the file according to the following protocol, as appropriate: Commenter Name, or Organization\_2017 Special 301 OCR Thailand. Please include the following information in the "Type Comment" field: "2017 Out-of-Cycle Review of Thailand." USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) formats. If the submission is in another file format, please indicate the name of the software application in the "Type Comment" field. For further information on using the [www.regulations.gov](http://www.regulations.gov) Web site, please select "How to Use Regulations.gov" on the bottom of any page.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comment submitted electronically that contains business confidential information, the file name of the business confidential version should begin with the characters "BC". Any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business

confidential. A filer requesting business confidential treatment must certify that the information is business confidential and would not customarily be released to the public by the submitter. Additionally, the submitter should type "Business Confidential 2017 Special 301 OCR Thailand" in the "Comment" field.

Filers of comments containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character "P". The non-business confidential version will be placed in the docket at [www.regulations.gov](http://www.regulations.gov) and be available for public inspection.

As noted, USTR strongly urges submitters to file comments through [www.regulations.gov](http://www.regulations.gov). You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting USTR at [Special301@ustr.eop.gov](mailto:Special301@ustr.eop.gov).

We will post comments in the docket for public inspection, except business confidential information. You can view comments on the <https://www.regulations.gov> Web site by entering docket number USTR-2017-0017 in the search field on the home page.

### Elizabeth Kendall,

*Acting Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the United States Trade Representative.*

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BILLING CODE 3290-F7-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2017-74]

#### 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 Federal Aviation Regulations. 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.