

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.³ 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.⁴

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.”⁵ 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.⁶ 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.

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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.

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⁶ 17 CFR 200.83.

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 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 or (202) 395–4510. You can find information about the Special 301 Review at 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

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

⁴ *Id.* at 446.

⁵ *Id.*