

2018. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 30, 2018.

The Commission asks that commenters address the sufficiency of DTC's statements in support of the Proposed Rule Change, which are set forth in the Notice,³¹ in addition to any other comments they may wish to submit about the Proposed Rule Change.

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. Please include File Number SR-DTC-2017-021 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-DTC-2017-021. 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 website (<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 website 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 DTC and on DTCC's website (<http://dtcc.com/legal/sec-rule-filings.aspx>). All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-DTC-

2017-021 and should be submitted on or before April 16, 2018. Rebuttal comments should be submitted by April 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³²

Eduardo A. Aleman,
Assistant Secretary.

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utilizes 18 drivers. (Appl. 3, Ex. 1, Motor Carrier Identification Report.)¹

C&H is also a federally-registered motor carrier of passengers (MC-114957). In providing its passenger services to the public, C&H utilizes 18-20 passenger vehicles and 22 drivers. (Appl. 3, Ex. 2, FMCSA Safety Measurement System Data.) The stock in C&H is owned by members of the Cullens family: George L. Cullens, Sr.; George L. Cullens, Jr.; Edna F. Cullens; and Jerri J. Cullens. (Appl. 3, Ex. 3, Signatures and Certifications.)²

TranSouth states that, under the proposed transaction, all of the outstanding stock in C&H would be acquired by Larry Ferguson. According to TranSouth, the parties have signed a Letter of Intent, deposited earnest money, and drafted and signed a Stock Purchase Agreement. TranSouth further states that final closing will occur upon interim or final Board approval.³

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees. TranSouth has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b) and a statement, pursuant to 49 U.S.C. 14303(g), that TranSouth and C&H exceeded \$2 million in gross operating revenues for the preceding 12-month period.⁴

TranSouth states that the proposed transaction would not have a material, detrimental impact on the adequacy of transportation services to the public but rather would improve services to the public. According to TranSouth, the

¹ Concurrent with its application, TranSouth also filed, in Docket No. MCF 21081 TA, a request under 49 U.S.C. 14303(i) to operate the assets to be acquired on an interim basis pending approval of the acquisition. The Board addresses that request in a separate decision issued concurrently with this decision.

² Although not mentioned in the application, both TranSouth and C&H are listed as "interstate" passenger carriers in their FMCSA registrations.

³ As noted in *Larry Ferguson—Acquisition of Control—C & H Bus Lines, Inc.*, MCF 21081 TA, concurrently served with this decision, the Board reminds TranSouth that a grant of interim approval is temporary, and that final closing cannot occur until final Board approval. The grant of interim approval permits TranSouth only to operate the property of C&H until final Board approval.

⁴ Parties must certify that the transaction involves carriers whose aggregate gross operating revenues exceed \$2 million, as required under 49 CFR 1182.2(a)(5).

³¹ See Notice, *supra* note 4.

³² 17 CFR 200.30-3(a)(57).

proposed transaction would allow for more efficient and productive management, modernizations of both rolling stock and maintenance equipment, and consolidation of debt structures. TranSouth states that the transaction would result in better service and savings in fares to the public. Also, TranSouth states that the proposed transaction would allow both companies to serve and expand their customer bases, thereby increasing the number of their employees in operations and maintenance.

TranSouth further asserts that the proposed transaction would not adversely affect competition or the public interest. According to TranSouth, its and C&H's service areas include the following: The entire Middle Georgia area; the cities of Macon, Savannah, Valdosta, Cordele, Forsyth, and Dublin; and the southern area of suburban Atlanta (the Service Area). TranSouth states that competition is robust with at least eight other companies providing motor coach passenger services within a 50-mile radius of the Service Area. Also, TranSouth states that the Atlanta metropolitan area is within 80 miles of the Service Area and has numerous entities that compete with both TranSouth and C&H.

On the basis of the application, the Board finds that the proposed acquisition of control is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our website at WWW.STB.GOV.

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective May 11, 2018, unless opposing comments are filed by May 10, 2018.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey

Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: March 20, 2018.

By the Board, Board Members Begeman and Miller.

Jeffrey Herzog,
Clearance Clerk.

[FR Doc. 2018-06050 Filed 3-23-18; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2017-0071; Notice 2]

Sumitomo Rubber Industries, Ltd., Grant of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Grant of petition.

SUMMARY: Sumitomo Rubber Industries, Ltd. (SRI), on behalf of itself and its subsidiary Sumitomo Rubber North America, Inc. (SRNA), have determined that certain Falken truck tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and Motorcycles*. SRI filed a noncompliance report dated June 20, 2017. SRI also petitioned NHTSA on July 10, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

FOR FURTHER INFORMATION CONTACT:

Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5310, facsimile (202) 366-5930.

SUPPLEMENTARY INFORMATION:

I. *Overview:* SRI, on behalf of itself and its subsidiary SRNA, have determined that certain Falken truck tires do not fully comply with paragraph S6.5(f) of FMVSS No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and Motorcycles* (49 CFR 571.119). SRI filed a noncompliance report dated June 20, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. SRI also

petitioned NHTSA on July 10, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this 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 September 22, 2017, in the **Federal Register** (82 FR 44488). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2017-0071."

II. *Tires Involved:* Approximately 5,408 Falken truck tires (Model RI151), size 225/70R19.5, manufactured between October 17, 2016, and April 28, 2017, are potentially involved.

III. *Noncompliance:* SRI explains that the noncompliance is that the number of plies indicated on the sidewall of the subject tires do not match the actual number of plies in the tire construction, and therefore, do not meet all applicable requirements specified in paragraph S6.5(f) of FMVSS No. 119. Specifically, the tires are marked with "TREAD 5 PLIES STEEL" whereas the correct marking should be "TREAD 4 PLIES STEEL."

IV. *Rule Requirements:* Paragraph S6.5 of FMVSS No. 119, titled "Tire Markings" includes the requirements relevant to this petition:

- Each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of paragraph S6.5.

- The actual number of plies and the composition of the ply cord material in the sidewall and, if different, in the tread area.

V. *Summary of SRI's Petition:* As background, On June 12, 2017, SRI discovered that a population of 5,408 Falken brand truck tires, Model RI151, size 225/70R19.5 128/126L, manufactured from October 17, 2016 through April 28, 2017 at the company's plant in Miyazaki, Japan, were marked with the incorrect number of plies. On July 13, 2017, SRNA was informed of the marking error, shipments of the subject tires were halted, and the company determined that the subject tires failed to comply with the tire labeling requirements of Federal motor vehicle safety standard (FMVSS) No. 119, S6.5. Specifically, the subject tires were incorrectly marked "TREAD 5 PLIES STEEL," although they should have been marked "TREAD 4 PLIES