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FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it makes a clerical correction to the geographic coordinates of Kane Community Hospital Heliport, Kane, PA.

##### History

The FAA Aeronautical Information Services branch found the Class E airspace extending upward from 700 feet above the surface at Kane Community Hospital Heliport, Kane, PA, along with the related point in space coordinates, were incorrect as published in FAA Order 7400.11B, Airspace Designations and Reporting Points. The latitude degree for the heliport and the longitude degree for the point in space coordinates were incorrect in the Order.

A clerical amendment in the legal description also is made to the airspace designation, removing the name of the town listed before the airport name description.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document

will be published subsequently in the Order.

##### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

##### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by correcting the geographic coordinates of the heliport reference point and point in space coordinates of Kane Community Hospital Heliport in Class E airspace extending upward from 700 feet above the surface to be in concert with the FAA's aeronautical database.

This is an administrative change and does not affect the boundaries, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

##### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

##### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, effective September 15, 2017, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

##### AEA PA E5 Kane, PA [Amended]

Kane Community Hospital Heliport, Kane, PA

(Lat. 41°40'16" N, long. 78°49'04" W)

Point in Space Coordinates

(Lat. 41°39'58" N, long. 78°52'09" W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point in Space coordinates serving Kane Community Hospital Heliport.

Issued in College Park, Georgia, on January 16, 2018.

**Ryan W. Almasy,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2018-01172 Filed 1-22-18; 8:45 am]

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## FEDERAL TRADE COMMISSION

### 16 CFR Part 303

RIN 3084-AB47

#### Rules and Regulations Under the Textile Fiber Products Identification Act

**AGENCY:** Federal Trade Commission ("FTC" or "Commission").

**ACTION:** Final rule.

**SUMMARY:** The Commission amends the Rules and Regulations Under the Textile Fiber Products Identification Act ("Textile Rules") to delete the

requirement that an owner of a registered word trademark, used as a house mark, furnish the FTC with a copy of the mark's registration with the United States Patent and Trademark Office ("USPTO") before using the mark on labels.

**DATES:** Effective on February 22, 2018.

**FOR FURTHER INFORMATION CONTACT:** Jock Chung, (202) 326-2984, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Textile Fiber Products Identification Act ("Textile Act")<sup>1</sup> and implementing Textile Rules require marketers to, among other things, attach a label to each covered textile fiber product disclosing: (1) The generic names and percentages by weight of the constituent fibers in the product; (2) the name under which the manufacturer or other responsible company does business, *i.e.*, the product's marketer's name,<sup>2</sup> or other specified identifier in lieu of that name,<sup>3</sup> and (3) the name of the country where the product was processed or manufactured.<sup>4</sup> Section 303.19(a) allows the owners of registered word trademarks who use these trademarks as house marks to disclose such trademarks in lieu of their names. However, before doing so, the company must file a copy of their USPTO registration with the Commission. The Commission imposed this requirement in 1959, presumably to obviate the need for the Commission to obtain paper copies of registrations from the USPTO. However, registered house marks now can be found by searching online or at the USPTO's website ([www.uspto.gov](http://www.uspto.gov)).

**II. Amendments to the Textile Rules**

In a Notice of Proposed Rulemaking published on June 28, 2017,<sup>5</sup> the Commission proposed amending Section 303.19 to: (1) Delete the requirement that an owner of a registered word trademark used as a house mark furnish the FTC with a copy of the mark's registration with the USPTO before using the mark on labels, and (2) no longer restrict the use of such trademarks to only those employed as

house marks. The Commission received three comments in response.<sup>6</sup>

As discussed below, based on the record, the Commission has determined to amend the Textile Rules to delete the requirement trademark owners furnish the FTC with a copy of the mark's USPTO registration before using the mark on labels. Based on the comments received, however, the Commission declines to eliminate the provision allowing only trademarks used as house marks.

**A. Deleting the Registration Submission Requirement**

*Comments:* The AAFA and Appelbaum comments supported the Commission's proposal to eliminate the requirement that businesses provide the Commission with a copy of a word trademark's USPTO registration prior to using these marks. AAFA asserted that simplifying the Textile Rules would "eliminate confusion, both for the business community and for consumers."<sup>7</sup> De La Cruz, however, opposed this proposed amendment, arguing that the current Section 303.19(a) "keeps trade in order" and "discourages trademark infringement,"<sup>8</sup> but did not offer support for these contentions.

*Discussion:* Based on the record, the Commission amends Section 303.19(a) of the Textile Rules to delete the requirement that an owner of a registered word trademark furnish the FTC with a copy of the mark's registration with the USPTO prior to using the mark in lieu of a marketer's name. Commenters and the Commission's experience indicate that eliminating the submission requirement will reduce compliance costs for marketers without reducing protections for consumers. Specifically, the Commission and consumers can readily identify a registrant by searching for a marketer's house mark on the USPTO's online database or other online resources.<sup>9</sup> Moreover, Commission staff has not consulted the files of house marks submitted to the Commission for many years, if ever, nor has it received

requests from the public to do so. The Commission therefore concludes that the current submission requirement is neither necessary nor useful to enable the Commission or consumers to identify marketers of textile fiber products.

**B. Word Trademarks Other Than House Marks as Marketer Identifiers**

*Comments:* Commenters Appelbaum and De La Cruz opposed the Commission's proposal to eliminate the provision allowing only trademarks used as house marks to be used in lieu of marketers' names. Appelbaum asserted that the proposed amendment was premised on an assumption a word trademark is "unique," when, in fact, word trademarks may be "very similar," preventing consumers from effectively searching online for business owners.<sup>10</sup> Appelbaum further noted that, in contrast, house marks did not present this problem because "a house mark is more uniquely associated with a business and less likely to be imitated."<sup>11</sup> De La Cruz stated without further analysis that the current Section 303.19(a) "keeps trade in order" and "discourages trademark infringement."<sup>12</sup> The AAFA supported this proposed amendment without explanation.<sup>13</sup>

*Discussion:* The Commission declines to amend Section 303.19(a) of the Textile Rules to permit the use of word trademarks other than house marks in lieu of marketers' names. The comments and staff research indicate that such an amendment would impose new burdens and additional costs on consumers and others to identify marketers of textile fiber products.

In particular, the record indicates that it can be difficult to find the identity of a specific registrant using a word trademark, rather than a house mark. Word trademarks that are not house marks can be registered for specific goods or services, and identical word trademarks can be registered numerous times for different goods or services.<sup>14</sup> Consequently, simple searches on the USPTO's online database can produce

<sup>10</sup> Appelbaum, p. 1.

<sup>11</sup> *Id.*

<sup>12</sup> De La Cruz, p. 1.

<sup>13</sup> AAFA, p. 1.

<sup>14</sup> For example, the USPTO has 148 registrations for the trademark "Acme" for different types of goods, including boat propellers (AMG Operations), beer (North Coast Brewing Co., Inc.), and firearm targets (Clifford J. Brown). Three of these registrations are for products covered by the Textile Rules: T-shirts (Acme Anvils, LLC), T-shirts (Time Warner Entertainment Company, L.P.), and quilts (Pillowtex Corp.).

<sup>1</sup> 15 U.S.C. 70 *et seq.*

<sup>2</sup> 15 U.S.C. 70b(b)(3).

<sup>3</sup> 16 CFR 303.19.

<sup>4</sup> See 15 U.S.C. 70b(b).

<sup>5</sup> 82 FR 29251 (June 28, 2017).

<sup>6</sup> American Apparel & Footwear Association (AAFA) (#00005); Jonathan Appelbaum (#00003); and De La Cruz (#00002). See <https://www.ftc.gov/policy/public-comments/2017/07/initiative-708>.

<sup>7</sup> AAFA, [https://www.ftc.gov/system/files/documents/public\\_comments/2017/07/00005-141123.pdf](https://www.ftc.gov/system/files/documents/public_comments/2017/07/00005-141123.pdf), p. 1; Appelbaum, [https://www.ftc.gov/system/files/documents/public\\_comments/2017/07/00003-141029.pdf](https://www.ftc.gov/system/files/documents/public_comments/2017/07/00003-141029.pdf), p. 1.

<sup>8</sup> De La Cruz, <https://www.ftc.gov/policy/public-comments/2017/07/06/comment-00002>, p. 1.

<sup>9</sup> As discussed below, however, although simple searches can determine registrants for house marks, it is far more difficult to determine relevant registrations for some word trademarks.

hundreds or thousands of responses.<sup>15</sup> Although sophisticated searches produce far fewer responses, such searches may require more training and expertise than many consumers are likely to possess.<sup>16</sup> In contrast, to register a house mark as a trademark, the USPTO requires that an applicant indicate that it will use that house mark “for a full line of products” so that consumers can identify a manufacturer or seller from that house mark.<sup>17</sup> Therefore, it is significantly easier to identify a house mark owner from a USPTO search.<sup>18</sup>

Accordingly, the Commission will continue to allow only owners of registered word trademarks who use these trademarks as house marks to disclose such trademarks in lieu of their names.

### III. Paperwork Reduction Act

The Textile Rules contain various “collection of information” (e.g., disclosure and recordkeeping) requirements for which the Commission has obtained clearance from the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act (“PRA”).<sup>19</sup> The amended Textile Rules

<sup>15</sup> For instance, a simple search for “Acme” on the USPTO’s website currently produces 527 registrations; a simple search for “Cotton” produces 2,761 registrations. Similarly, searches on standard search engines for common word trademarks can produce enormous numbers of responses. Searching for “Acme” on Google returns almost 57 million results, with the first results referencing supermarkets, cartoons, packaging-supplies, pies, and furniture.

<sup>16</sup> For example, to search on the USPTO website for only “Acme,” and exclude the 379 registrations for terms that include Acme, such as “Pro Acme,” a user must conduct a “structured” search on the USPTO database and specify that the search is on the “FULL MARK” field.

<sup>17</sup> USPTO “Trademark Manual of Examining Procedure April 2017” 1402.03(b) House Marks, available at <https://tmap.uspto.gov/RDMS/TMEP/current#/current/TMEP-1400d1e2208.html>.

<sup>18</sup> For example, a simple search on the USPTO for the house mark “Kirkland Signature” returns 138 registrations, all owned by Costco Wholesale Corporation. Therefore, consumers can review any of the registrations and determine the house mark owner, even though only one of the registrations is for clothing. Online searches for “Kirkland Signature” also readily return references to Costco Wholesale Corporation.

RN numbers also already provide a free, convenient alternative to names for marketers that do not own house marks. The Commission has recently revised the RN Database at <https://m.ftc.gov/Account/BasicSearch>, so consumers can easily identify companies from RN numbers.

<sup>19</sup> 44 U.S.C. 3501 *et seq.* In 2015, the Commission published its PRA burden estimates for the current information collection requirements under the Rules. See 80 FR 1411, 1413 (Jan. 9, 2015) and 80 FR 14387, 14388 (Mar. 19, 2015). In April 2015, OMB granted clearance through April 30, 2018, for these requirements and the associated PRA burden estimates. The OMB control number is 3084-0101.

do not impose any additional collection of information requirements.

### IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires that the Commission provide an Initial Regulatory Flexibility Analysis (IRFA) with a Proposed Rule, and a Final Regulatory Flexibility Analysis (FRFA) with the final Rule, unless the Commission certifies that the Rule will not have a significant economic impact on a substantial number of small entities.<sup>20</sup>

The Commission anticipates that the final amendment will not have a significant economic impact on a substantial number of small entities. In the Commission’s view, the amendment should not increase the costs of small entities that manufacture or import textile fiber products, but may reduce costs associated with furnishing a copy of a registered word trademark used as a house mark to the FTC. Therefore, based on available information, the Commission certifies that amending the Textile Rules will not have a significant economic impact on a substantial number of small businesses. Although the Commission certifies under the RFA that the amendment will not have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish a Final Regulatory Flexibility Analysis to inquire into the impact of the proposed amendment on small entities. Therefore, the Commission has prepared the following analysis:

Although the Commission has certified under the RFA that the amendments would not have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish an FRFA in order to explain the impact of the amendments on small entities as follows:

#### A. Description of the Reasons That Action by the Agency Is Being Taken

The Commission is amending the Rules to provide greater flexibility in complying with the Rules’ disclosure requirements by permitting textile fiber product marketers to use registered house marks to identify themselves without sending registration copies to the Commission.

#### B. Issues Raised by Comments in Response to the IRFA

The Commission did not receive any comments specifically related to the impact of the final amendment on small businesses. In addition, the Commission did not receive any comments filed by the Chief Counsel for Advocacy of the Small Business Administration.

#### C. Estimate of Number of Small Entities To Which the Amendments Will Apply

Under the Small Business Size Standards issued by the Small Business Administration, textile apparel manufacturers qualify as small businesses if they have 500 or fewer employees. Clothing wholesalers qualify as small business if they have 100 or fewer employees. The Commission’s staff has estimated that approximately 22,642 textile fiber product manufacturers and importers are covered by the Textile Rules’ disclosure requirements.<sup>21</sup> A substantial number of these entities likely qualify as small businesses. The Commission estimates that the amendment will not have a significant impact on small businesses because it does not impose any new obligations on them, but may reduce filing costs associated with the Textile Rules.

#### D. Projected Reporting, Recordkeeping, and Other Compliance Requirements

The amendment deletes a filing requirement, thus providing greater flexibility to companies covered by the Textile Rules. The amendment is not expected to increase any reporting, recordkeeping, or other requirements associated with the Textile Rules, and is expected to decrease reporting requirements.

#### E. Description of Steps Taken To Minimize Significant Economic Impact, If Any, on Small Entities, Including Alternatives

The Commission did not propose any specific small entity exemption or other significant alternatives because the amendment is expected to decrease reporting requirements and will not impose any new requirements or compliance costs. No comments identified any new compliance costs, and several comments argued the amendment will reduce compliance costs.

#### List of Subjects in 16 CFR Part 303

Advertising, Labeling, Recordkeeping, Textile fiber products.

For the reasons discussed in the preamble, the Commission amends part

<sup>20</sup> 5 U.S.C. 603–605.

<sup>21</sup> 80 FR 1411, 1413 (Jan. 9, 2015).

303 of title 16, Code of Federal Regulations, as follows:

**PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT**

■ 1. The authority citation for part 303 continues to read:

*Authority:* 15 U.S.C. 70 *et seq.*

■ 2. Amend § 303.19 by revising paragraph (a) to read as follows:

**§ 303.19 Name or other identification required to appear on labels.**

(a) The name required by the Act to be used on labels shall be the name under which the person is doing business. Where a person has a word trademark, used as a house mark, registered in the United States Patent Office, such word trademark may be used on labels in lieu of the name otherwise required. No trademark, trade names, or other names except those provided for above shall be used for required identification purposes.

\* \* \* \* \*

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 2018–01202 Filed 1–22–18; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1301**

[Docket No. DEA–450]

RIN 1117–AB42

**Implementation of the Provision of the Comprehensive Addiction and Recovery Act of 2016 Relating to the Dispensing of Narcotic Drugs for Opioid Use Disorder**

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Comprehensive Addiction and Recovery Act (CARA) of 2016, which became law on July 22, 2016, amended the Controlled Substances Act (CSA) to expand the categories of practitioners who may, under certain conditions on a temporary basis, dispense a narcotic drug in Schedule III, IV, or V for the purpose of maintenance treatment or detoxification treatment. Separately, the Department of Health and Human Services, by final rule effective August 8, 2016, increased

to 275 the maximum number of patients that a practitioner may treat for opioid use disorder without being separately registered under the CSA for that purpose. The Drug Enforcement Administration (DEA) is hereby amending its regulations to incorporate these statutory and regulatory changes.

**DATES:** *Effective:* January 22, 2018.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

**SUPPLEMENTARY INFORMATION:** It has been determined this is a major rule within the meaning of the Congressional Review Act (CRA). 5 U.S.C. 804(2). Major rules generally cannot take effect until 60 days after the date on which the rule is published in the **Federal Register**. 5 U.S.C. 801(a)(3). However, the CRA provides that “any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.” 5 U.S.C. 808. As is discussed below, DEA finds there is good cause to issue these amendments as a final rule without notice and comment, because these amendments merely conform the implementing regulations with recent amendments to the CSA contained in CARA that have already taken effect. Accordingly, DEA has determined this rule will take effect January 22, 2018.

**Background and Legal Authority**

*Pertinent Provisions of the CARA*

On July 22, 2016, the President signed the Comprehensive Addiction and Recovery Act (CARA) into law as Public Law 114–198. Section 303 of the CARA amended certain provisions of 21 U.S.C. 823(g)(2), which is the subsection of the Controlled Substance Act (CSA) that sets forth the conditions under which a practitioner may, without being separately registered under subsection 823(g)(1), dispense a narcotic drug in Schedule III, IV, or V for the purpose of maintenance treatment or detoxification treatment. Maintenance treatment is the dispensing of a narcotic drug, in excess of twenty-one days, for the treatment of dependence upon heroin or other morphine-like drugs (21 U.S.C. 802(29)). A detoxification treatment is the term given when a narcotic drug is dispensed in decreasing doses, not exceeding one hundred and eighty days, “to alleviate

adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of a narcotic drug,” with the ultimate goal of bringing a patient to a narcotic drug-free state (21 U.S.C. 802(30)).

Specifically, section 303 of the CARA temporarily expands the types of practitioners who may dispense a narcotic drug in Schedule III, IV, or V for the purpose of maintenance treatment or detoxification treatment without being separately registered as a narcotic treatment program. Whereas prior to the CARA, only qualified *physicians* were permitted to dispense narcotic drugs in this manner, the CARA now temporarily permits certain nurse practitioners and physician assistants to qualify to do so. The CARA achieves this result by (1) inserting the term “qualifying practitioner” in place of “qualifying physician” in 21 U.S.C. 823(g)(2)(B)(i) and (2) defining “qualifying practitioner” to include not only a physician, but also (until October 1, 2021) a “qualifying other practitioner,” which includes a nurse practitioner or physician assistant who meets certain qualifications set forth in paragraph 823(g)(2)(G)(iv). More precisely, section 303 of the CARA defines “qualifying other practitioner” as a nurse practitioner or physician assistant who satisfies each of the following criteria:

(I) The nurse practitioner or physician assistant is licensed under State law to prescribe schedule III, IV, or V medications for the treatment of pain;

(II) The nurse practitioner or physician assistant must complete not fewer than 24 hours of initial training.

(III) The nurse practitioner or physician assistant is supervised by, or works in collaboration with, a qualifying physician, if the nurse practitioner or physician assistant is required by State law to prescribe medications for the treatment of opioid use disorder in collaboration with or under the supervision of a physician; and

The Secretary determines in collaboration with, a qualifying physician, if the nurse practitioner or physician assistant is supervised by, or works in collaboration with, a qualifying physician, if the nurse practitioner can treat and manage opiate-dependent patients. The Secretary may, by regulation, revise the requirements for being qualifying other practitioner.

This section of the CARA further provides that the Secretary of Health and Human Services (HHS) may, by regulation, revise the foregoing